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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 4th December, 1998:—

BILL No. 30 OF 1998.

A Bill to provide for special educational facilities to the children of parents living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This act may be called the special Educational Facilities (For children of Parents Living Below Poverty Line) Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short title and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means the Central Government or the State Government, as the case may be;

(b) "parents living below poverty line" means all such parents whose income from all sources is less than rupees one thousand and five hundred per mensem; and

(c) "prescribed" means prescribed by rules made under this Act.

Facilities to
children born
of parents
living below
poverty line.

3. The appropriate Government shall provide to every child born of parents living below poverty line, the following facilities, namely:-

(a) free education from school level to the post-graduate level including higher medical and technical education;

(b) free uniform, books, meals and such other assistance and facilities as are required for the proper education of children; and

(c) gainful employment to the child after he completes his education.

Scholarship.

4. The appropriate Government shall provide scholarship of not more than rupees one thousand and two hundred per annum, in deserving cases, to the children of parents living below poverty line while they are pursuing their education.

Reservation of
seats in
medical and
technical
colleges for
children born
of parents
living below
poverty line.

5. The appropriate Government shall reserve such percentage of seats of the total number of seats, as may be prescribed, in all medical, and technical colleges and institutions of higher studies for children born of parents living below poverty line.

Power to make
rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

STATEMENT OF OBJECTS AND REASONS

Nearly sixty per cent. of the total population of our country lives below the poverty line. Their income is so meagre that they have to fight for their subsistence throughout their lives. They have a hand to mouth existence and cannot even think of getting elementary education to their children to enable them to read and write. Since promotion of universal education and establishment of a classless and creedless society is one of the basic aims of our Constitution, the Government at the national level as well as at the State level should make provision for free educational facilities and provide books, uniform writing materials, transportation and hostel facilities free of cost to the children of persons living below the poverty line, that is to say, whose total family income is below one thousand and five hundred rupees per month so that they could get proper education and better job opportunities to raise their standard of living. It will not only help in eradicating illiteracy from the country but will also help such children to grow and compete with other children.

Hence this Bill.

NEW DELHI;
March 23, 1998.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free education including medical and technical education, etc., by the appropriate Government to children born of parents living below poverty line. It also seeks to provide for facilities such as free hostel, uniform, meals etc. to such children. Clause 4 provides that the appropriate Government shall provide scholarship upto a maximum of rupees one thousand and two hundred per annum, in deserving cases, to such children. The Central Government has to bear the expenditure in respect of Union territories in implementing the provisions of the Bill. The respective State Government shall bear the expenditure in respect of their State. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees one crore is likely to be incurred per annum.

A non-recurring expenditure of rupees one crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. These rules will relate to matters of detail only. The delegation of legislative powers is, therefore, of a normal character.

BILL NO. 119 OF 1998

A Bill to provide for the compulsory supply of electricity to the agricultural sector and rural areas.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Electricity (Priority Supply to Rural Areas and Agriculture Sector) Act, 1998.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agriculture" includes poultry, dairy farming, orchards, rearing of animals and farming;

(b) "appropriate Government" means in the case of a State, the Government of that State, and in other cases, the Central Government;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "village industries" means small scale industries in villages and includes khadi and cottage industries.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall ensure that seventy per cent of the total electricity generated within its territorial jurisdiction including the electricity generated by foreign companies shall be supplied to the agricultural sector, rural households and village industries.

Supply of electricity to Agriculture and rural households and village industries

(2) The appropriate Government shall, within its territorial jurisdiction, allocate quantum of electricity to be supplied to the villages in such manner as may be prescribed:

Provided that in every village electricity shall be supplied—

(a) to the farmers atleast for three hours every day for agricultural purposes at half the rate;

(b) free of cost to every household belonging to Scheduled Castes and Scheduled Tribes and other weaker sections of the society in rural areas atleast for two hours during morning and evening every day; and

(c) to village industries at such concessional rate as may be prescribed atleast for five hours every day for six days in a week.

4. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It is said that India lives in villages and it is true as more than seventy percent of our population lives in villages and earns its livelihood through agriculture, horticulture, rearing of animals, poultry and other village industries of various kinds. But unfortunately the major part of rural India lives in dark as most of the villages are yet to be electrified. Agriculture is mainly dependent on monsoon. Even if there are tubewells, they do not function in the absence of regular power supply. In fact there is little power supply to rural areas. Major chunk of power generated in the country is consumed by cities. In fact thirty per cent of the population living in cities is consuming almost the entire power generated in the country. This has resulted in the backwardness of the rural areas.

For desired results and to achieve progress, major portion of power generated has to be diverted to rural parts of the country that too according to the ratio of the population. This step will boost agricultural and industrial production apart from serving domestic requirements. It is, therefore, proposed to supply electricity to households and for agricultural and industrial purposes in rural areas compulsorily.

Hence this Bill.

NEW DELHI;
March 27, 1998.

R. SAMBASIVA RAO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that appropriate Government shall supply electricity at half rate to farmers for three hours every day, free of cost to Scheduled Castes/Tribes and other weaker sections of the society and at concessional rates to village industries. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India in relation to Union territories. The expenditure in respect of States will be met out of their respective Consolidated Funds. It is estimated that an annual recurring expenditure of about rupees ten crore is likely to be involved.

A non-recurring expenditure of about rupees five crore is also likely to be involved with respect to giving of connections where electricity is not available at present.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only.

As such, the delegation of legislative power is of a normal character.

BILL NO. 103 OF 1998

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1998.

Short title.

2. In article 324 of the Constitution, in clause (2), after the words "to be made by the President" the following words shall be added, namely :—

Amendment
of article 324.

"on the recommendation of a Committee consisting of the Chairman of the Council of States, the Prime Minister, the Chief Justice of India, the Speaker of the House of the People, the Leader of Opposition in the Council of States and the Leader of Opposition in the House of the People."

STATEMENT OF OBJECTS AND REASONS

For the last few years, the Election Commission has attracted criticism for taking arbitrary decisions which were not agreed to by all political parties including party in power. On several occasions there have been confusion and conflict between Election Commission and the Government on various issues, which were taken up before the Supreme Court. The division of opinion among the Election Commissioners has surfaced on various issues from time to time. The functioning of the Election Commission has been a subject matter of debate in the media and among the public.

In order to ensure that the Election Commission functions in a proper manner, it is necessary that the Chief Election Commissioner and other Election Commissioners be appointed by the President on the recommendations of a Committee comprising the Chairman of the Council of States, the Prime Minister, the Chief Justice of India, the Speaker of the House of the People, the Leader of Opposition in the House of the People and the Leader of Opposition in the Council of States.

The Bill seeks to achieve the above objective.

NEW DELHI;
March 25, 1998

R. SAMBASIVA RAO.

BILL No. 98 OF 1998

A Bill to amend the prevention of Insults to National Honour Act, 1971.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 1998.

Short title and
extent.

(2) It extends to the whole of India.

69 of 1971.

2. After section 3 of the Prevention of Insults to National Honour Act, 1971, the following section shall be inserted, namely:—

Insertion of
new Section 4.

“4. Whoever intentionally—

(i) hoists the national flag of any other country atop any Government building or any individual house or at any public place;

Insults to
national
leaders, etc.

(ii) passes disparaging and insulting remarks against any national leader in any public place or public view or publishes or causes to be published such remarks through press or any other media;

(iii) burns, distorts mutilates, defaces, defiles, disfigures, destroys, tramples upon the statue of any national leader installed in a public place,

shall be punished with imprisonment for a term which may extend to one year or with fine, or with both.

Explanation.—For the purposes of this section, the expression “national leader” means any leader or martyr who inspired the national struggle for freedom of the country.”.

STATEMENT OF OBJECTS AND REASONS

Now, when we are celebrating the fiftieth anniversary of our Independence, we are also witnessing the denigration and utterance of highly derogatory and disparaging remarks about our national leaders who inspired the country to freedom, after making enormous sacrifices and even laying down their lives for the cause of freedom. This act of derogation to these leaders is done through public statements, the press and electronic media. Even the statues and images of such national heroes and martyrs installed in prominent public places are disfigured, damaged and even dismantled and removed with impunity. This not only constitutes denigration and insult to individual leaders concerned but also insult to the nation.

It is, therefore, proposed to amend the Prevention of Insults to National Honour Act, 1971, by enlarging its scope to include such acts of denigration of national leaders and to prescribe appropriate punishment for such insult.

Hence this Bill.

NEW DELHI;
March 27, 1998.

R. SAMBASIVA RAO

BILL NO. 102 OF 1998

A Bill to prohibit extravagant and wasteful expenditure on marriages and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Prohibition of Extravagant Expenditure on Marriages Act, 1998.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other case, the Central Government.

(b) “expenditure on marriage” includes expenditure incurred during marriage celebrations on invitation cards, decoration, tented *pandals*, illumination, fireworks, luncheon, dinner, clothes, ornaments, gifts, hiring of a *barat ghar*, banquet hall or hotel or such other place for celebrating marriage;

(c) “prescribed” means prescribed by rules made under this Act.

3. (1) Notwithstanding anything in any custom of any community, tribe or religion, all the marriages shall be solemnized in a simple ceremony without any extravagant expenditure on such marriages.

Prohibition of extravagant expenditure on marriages.

(2) The appropriate Government shall fix the limit of guests and relatives who may be invited to attend the solemnization of a marriage or reception held thereafter.

(3) The appropriate Government shall fix the limit on expenditure which can be incurred on a marriage.

4. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall prescribe necessary guidelines for carrying out the purposes of this Act.

Guidelines to be framed by the appropriate Government.

5. Any person who contravenes the provisions of section 3 shall be liable for imprisonment for a term which may extend to five years and with fine which may extend to one lakh rupees.

Punishment.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and any such order or direction shall be final.

Removal of difficulties.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act not to be in derogation of any law.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Now a days marriages are celebrated with pomp and show. People spend lavishly on such celebrations. Lakhs of rupees are spent on shamianas and decorations followed by sumptuous feasts. In addition to all these things, substantial cash and costly gifts are exchanged. People use these occasions to spend their black money. It is unfortunate that poor people are also affected by this pomp and show. This situation is creating unrest among those who have no money to spend lavishly.

Since extravaganza during marriages has become the order of the day, those who are poor become heavily indebted or are being forced to adopt corrupt practices to earn money. As such corruption in all walks of life has acquired alarming proportions. It is very harmful for the progress of the nation.

It is a fact that even after spending lakhs of rupees on marriages people are not happy, and there are many cases of bride burning and marital discords. Parents try to earn more money through marriages of their sons.

This ugly tendency has to be checked and deterrent punishment has to be provided so that wasteful expenditure is curtailed on auspicious occasions like marriages. This will certainly go a long way in cleansing our society from corruption.

Hence this Bill.

NEW DELHI;
March 27, 1998

R. SAMBASIVA RAO

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 105 OF 1998

A Bill to regulate the utilisation of foreign aid and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Foreign Aid Fund of India Act, 1998.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “fund” means the Foreign Aid Fund of India set up under section 3;

(b) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government shall set up a fund to be known as "the Foreign Aid Fund of India", monies into which shall come from any aid or assistance or donation or contribution received from any foreign country or any organisation or an individual or an institution in a foreign country or United Nations Organisation to provide relief to people affected by any natural calamity or mishap.

Foreign Aid
Fund of India.

(2) The fund shall be administered in such manner as may be prescribed.

4. (1) The fund shall be utilised for the following purposes,—

Utilisation of
Fund.

(a) for payment of compensation to victims of natural calamities or mishaps;

(b) for providing assistance to State Government for carrying out relief and rehabilitation measures in the event of any natural calamity or mishaps; and

(c) for any other purpose as may be prescribed.

(2) The terms and conditions for the grant of money out of the fund and the amount to be provided shall be such as may be prescribed.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

Our country receives assistance and donations from foreign countries and United Nations Organisation to meet the unforeseen expenditure in respect of natural calamities and other mishaps. Contributions are received from abroad for other purposes also. However, it has been seen that the money is not utilised for the purposes for which donations were received and there is no check on it.

The Bill seeks to regulate the utilisation of donations received from abroad.

NEW DELHI;
April 30, 1998

T. SUBBARAMI REDDY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of Legislative power is of a normal character.

BILL NO. 104 OF 1998

A Bill to provide for clearance of jhuggi jhopri clusters and slum areas and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Slums and Jhuggi Jhopri Areas Clearance Act, 1998.

(2) It extends to Union Territories only.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise, requires,

(a) "building" includes any structure or erection or any part of a building but does not include a plant or machinery comprised in a building;

(b) "competent authority" means such officer or authority as the Central Government may, by notification in the Official Gazette, appoint as the competent authority for the purposes of this Act;

(c) "jhuggi jhopri" means a small roughly built house or shelter usually made of mud, wood or metal having thatched or tin sheet roof covering;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "slum" means an area consisting of jhuggi jhopri clusters, badly built and over-crowded houses and buildings; and

(f) "slum clearance" means the clearance of any slum area by, demolition and removal of buildings therefrom.

3 (1) The competent authority may, from time to time by notification in the Official Gazette, declare any area to be a slum area within the meaning of this Act.

Competent authority to declare slum areas.

(2) Where the competent authority is satisfied that the most satisfactory method of dealing with the conditions in a slum area is demolition of all the buildings and jhuggi jhopri clusters in the area, the authority shall by an order notified in the Official Gazette, declare the area to be a clearance area, that is to say, an area to be cleared of all buildings and jhuggi-jhopri clusters in accordance with the provisions of this Act.

4. (1) All the residents of slum clearance areas shall be evacuated and accommodated in alternate houses to be built by the Government.

Alternate accommodation to residents of slum clearance areas.

(2) The houses built under sub-section (1) shall have all necessary basic facilities.

5. As soon as may be after competent authority has declared any slum area to be a clearance area, the Government shall cause such slum area to be cleared of all jhuggi jhopri clusters and other buildings removed from that area.

Removal of Jhuggi Jhopri areas.

6. (1) No person shall be allowed to set up any jhuggi jhopri in any area.

Ban on setting up of Jhuggi Jhopri areas.

(2) Any jhuggi jhopri set up in violation of the provisions of this Act shall be demolished by the competent authority in such manner as may be prescribed.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Crores of people in our country are at present living in slums and Jhuggi-Jhopri clusters under inhuman conditions. There are no basic facilities of potable water, electricity, sanitation and health services in these areas. However, people have no other option but to live in such slums and Jhuggi Jhopri clusters. The problem is more appalling in Metropolitan cities and other big cities where people migrate in large numbers in search of employment. Poverty forces them to find shelter in slums and Jhuggi Jhopri clusters.

It is the duty of the Government to provide alternate houses with basic facilities to persons who are living in slum areas. The Government should also see that slum areas do not come up and those which are already there should be demolished.

The Bill seeks to achieve the above objective.

NEW DELHI;
April 30, 1998.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall provide alternate houses with all modern facilities to those who are living in slum areas. The Bill if enacted, will involve expenditure from the consolidated fund of India. It is estimated that a sum of rupees one thousand five hundred crore will be involved as a recurring expenditure per annum.

A sum of rupees four hundred crore will also be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 101 OF 1998

A Bill to provide for promotion of small family norms and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Small Family (Motivation) Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall apply to all Indian citizens including those who at present are residing outside India.

2. In this Act, unless the context, otherwise, requires,—

(a) "appropriate Government" means the Central Government in relation to Union territories and any office or organisation or establishment under the Control of the Central Government or Union territory administration and the State Government in respect of other cases;

Short title extent, commencement and application.

Definition.

(b) "family" means the husband, wife and two children; and

(c) "prescribed" means prescribed by rules made under this Act.

Facilities in case of sterilisation after first child.

3. If either husband or wife opts for sterilisation after their first child, the family shall be entitled to the following facilities:—

(i) both the husband and wife shall be given out of turn promotion to the Next grade immediately in case they are employees of any Central Government or Union territory Administration or any Public Sector Undertaking under the control of the Central Government or any Union-territory Administration and in case such person is unemployed or is employed in any private organisation, he shall be given rupees one hundred per month by the appropriate Government;

(ii) a two bed room house at such cost as may be prescribed by the appropriate Government;

(iii) the child shall be provided with free education including higher and technical education in any institution of his choice with free books and hostel facilities; and

(iv) the child shall be given preference in service under the control of the Central Government in accordance with his qualifications.

Facilities in case of sterilisation after first child.

4. If either husband or wife opts for sterilisation after second child, the family shall be entitled to the following facilities, namely:—

(i) a two bed room house at such cost as may be prescribed;

(ii) both the children shall be provided with free education upto higher secondary level in any institution of their choice;

(iii) one of the children shall be provided with free higher education, including technical education;

(iv) both the children shall be given preference in services under the control of the Central Government according to their qualifications.

Power to make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

There has been unprecedented rise in the population of the country. The basic problem facing the country is rapidly increasing population. Measures for family planning which have been undertaken by the Government so far have not proved effective. In spite of our around progress, the country is going backward. This will have serious repercussions on the national, social and economic spheres and it will be difficult to provide basic necessities to the rapidly increasing population. Therefore, there is an immediate need to check the increase in population.

It is proposed that the norm of voluntary sterilisation of all persons having one or two living children should be adopted to control the increasing population irrespective of caste, creed and religion to which they belong. The problem has reached such an extent that it has to be tackled without any delay. This will be achieved if the incentives are provided to the family to encourage small family norm. Moreover, small families will help in upbringing of the children in a better manner resulting in upliftment of the whole nation.

The Bill seeks to provide certain facilities to those who adopt small family norm with a view to checking increasing population.

NEW DELHI;
April 30, 1998

T. SUBBARAMI REDDY

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. H. 11018/4/98-Ply, dated 12 June, 1998 from Shri Dalit Ezhilmalai, Minister of State of the Ministry of Health and Family Welfare to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Small Family (Motivation) Bill, 1998 by Dr. T. Subbarami Reddy, Member of Parliament, recommends the consideration of the Bill by Lok Sabha under article 117(3) of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for certain facilities like promotion or grant of rupees one hundred per month, houses at subsidised rates, free education to the child in case either wife or husband opts for sterilisation after their first child. Clause 4 provides for similar facilities in case either wife or husband opts for sterilisation after their second child. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India in respect of the Union territories and in respect of Central Government employees. The expenditure in relation to State will be met out of the respective Consolidated Funds of the States. It is estimated that an annual recurring expenditure of about rupees one hundred crore is likely to be involved from the Consolidated Fund of India. A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only as such the delegation of legislative power is of a normal character.

BILL NO. 128 OF 1998

A Bill to amend the Jamia Millia Islamia Act, 1988.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title and
com-
mencement.

1. (1) This act may be called the Jamia Millia Islamia (Amendment) Act, 1998.

(2) It shall come into force at once.

Amendment of
the Long Title.

2. In the Long Title of the Jamia Millia Islamia Act, 1988 (hereinafter referred to as the Principal Act):—

58 of 1988.

(i) the words “establish and” shall be omitted; and

(ii) after the word “University”, the words “for promoting education, particularly of the Muslims”, shall be inserted.

3. In section 2 of the principal Act, in clause (o)—
(i) after the word “founded”, the words “by the Sheikhul Hind Maulana Mehmudul Hassan, Maulana Mohammed Ali, Hakim Ajmal Khan, Dr. Mukhtar Ahmed Ansari, Mr. Abdul Majid Khwaja and other leaders of the Muslim community” shall be inserted;
(ii) after the words “which is incorporated as a University under this Act”, the words “and which is recognised as a minority educational institution under the Constitution of India” shall be inserted. Amendment of Section 2.
4. In section 4 of the principal Act in clause (i), after the words “shall be applied”, the words “to promote the educational and cultural advancement, particularly of the Muslims and” shall be inserted. Amendment of Section 4.
5. In section 6 of the principal Act, for clause (ii), the following clause shall be substituted, namely:—
“(ii) to promote the study of the religions and cultures of India as well as the development of the Islamic and the Indian civilizations.”. Amendment of Section 6.
6. In section 7 of the principal Act, in the proviso, after the words “the Scheduled Tribes”, the words “the Muslims, other Backward Classes, the Urdu-speaking community, the internal students, outstanding players, the sons/daughters/spouses of the permanent employees and the staff of the University”, shall be inserted. Amendment of Section 7.
7. In section 18 of the principal Act, in sub-section (2), after clause (d), the following clause shall be added, namely:—
“(e) to decide and lay down the extent of reservation for each category as is referred to in section 7.”. Amendment of Section 18.
8. In section 25 of the principal Act, in sub-section (1), in clause (c), after the word “examination”, the words “which shall ordinarily be Urdu, to the extent possible” shall be added. Amendment of Section 25.
9. In the Schedule to the principal Act, in statute 11, after clause (xx), the following clauses thereunder shall be inserted, namely:—
“Others
(xxi) six persons representing Muslim culture and learning to be co-opted by the Anjuman (Court);
(xxii) two persons representing Urdu language and literature to be co-opted by the Anjuman (Court);
(xxiii) the President and the General Secretary of the University Students’ Union;
(xxiv) eleven students to be elected by simple majority by students of the various faculties classified into groups in the manner prescribed by the Ordinance;
(xxv) fifteen ex-students to be elected by the Alumini (old students) Association in the manner prescribed by the Ordinance.”. Amendment of Schedule.

STATEMENT OF OBJECTS AND REASONS

Consequent to a court decision, the reservation scheme hitherto in vogue in the Jamia Millia Islamia, Delhi, is in jeopardy. This has created a serious situation and a crisis in the Jamia.

This Bill seeks to restore the reservation scheme and the original, historic and minority character of the Jamia.

NEW DELHI;
June 29, 1998

G.M. BANATWALLA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill amends Statute 11 to provide that eleven students shall be elected to the Anjuman (Court) by simple majority by students of the various faculties classified into groups in the manner prescribed by the Ordinance. Similarly, fifteen ex-students shall be elected by the Alumini (Old Boys) Association in the manner prescribed by the Ordinance.

The matters for which ordinances may be made pertains to matter of detail and it is not possible to provide for them in the Bill. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 109 OF 1998

A Bill to provide for a scheme for eradication of unemployment from the country.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Eradication of Unemployment Act, 1998.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act,—
 - (a) "Government" means the Central Government; and
 - (b) "prescribed" means prescribed by rules made under this Act.

Employment to
citizens.

3. The Government shall endeavour to provide every citizen who has attained the age of eighteen years and who is registered at the Employment Exchange with employment suited to his age, qualification and strength.

4. Till such time as employment is provided to a citizen under section 3, he or she shall be entitled to such unemployment allowance, as may be prescribed.

Grant of unemployment allowance.

5. An Unemployment Insurance Scheme shall be started by the Government so as to provide for a special fund for the grant of unemployment allowance under this Act.

Unemployment Insurance Scheme.

6. A citizen who has registered himself at the Employment Exchange shall be eligible to receive benefit of unemployment allowance under this Act subject to his furnishing an agreement to contribute to the Unemployment Insurance Scheme for a prescribed period immediately after securing employment at a rate as may be prescribed.

Contribution to Unemployment Insurance Scheme.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for the following matters, namely:—

(a) the rate of unemployment allowance referred to in section 4 and different rates may be prescribed on the basis of qualification and skills;

(b) the necessary details of the unemployment insurance scheme;

(c) the rate of contribution to the Unemployment Insurance Scheme under section 6;

(d) the procedure to regulate all payments under this Act; and

(e) any other matter which is required to be, or may be, prescribed.

STATEMENT OF OBJECTS AND REASONS

The problem of unemployment has assumed menacing proportions. Even the educated citizens are rendered indigent. Lack of opportunity of employment in the country is also leading to brain drain and exodus of a large number of skilled and unskilled persons abroad. It is time that concerted efforts are made by the State to assure employment to the citizens of the country and to provide unemployment relief to those who have not been able to secure employment. It is also necessary to promote an unemployment insurance scheme for the purpose, so that the scheme may serve to finance the funds for the unemployment relief.

Hence the Bill.

NEW DELHI;
June 29, 1998

G.M. BANATWALLA.

**PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA**

[Copy of letter No. DGET-H. 11019/3/98-MP (G), dated 9 September, 1998 from Dr. Satyanarayan Jatiya, Minister of Labour to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Eradication of Unemployment Bill, 1998 by Shri G.M. Banatwalla, M.P., recommends the consideration of the Bill in Lok Sabha under article 117(3) of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide unemployment allowance to the citizens who have attained the age of eighteen years or above. This provision involves a recurring expenditure of about one hundred crore rupees per annum from the Consolidated Fund of India. The recurring expenditure is expected to reduce substantially as and when employment is provided.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Government to make rules for fixing the rate of unemployment allowance. Similarly, clause 6 empowers the Government to fix the rate of contribution to Unemployment Insurance Scheme.

Clause 7 empowers the Government to make rules for carrying out the provisions of the Bill. The matters in respect of which such rules may be made would relate to matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself.

The delegation of the legislative power is of a normal character.

BILL No. 127 OF 1998

A Bill further to amend the Contract Labour (Regulation and Abolition) Act, 1970.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Contract Labour (Regulation and Abolition) (Amendment) Act, 1998.

Short title.

2. In section 1 of the Contract Labour (Regulation and Abolition) Act, 1970 (hereinafter referred to as the principal Act), in sub-section (4),—

Amendment of section 1.

(i) in clause (a) for the word “twenty” the word “ten” shall be substituted; and

(ii) in clause (b), for the word “twenty” the word “ten” shall be substituted.

Substitution of new section for section 9.

3. For section 9 of the principal Act, the following section shall be substituted, namely:—

Principal employer to be deemed to be the employer in case of non-registration.

“9. Notwithstanding anything contained in section 7 or section 8, if any principal employer employs any contract labour,—

(i) without making an application for registration of his establishment in accordance with section 7;

(ii) even after the registration of his establishment has been revoked under section 8; and

(iii) without the contractor or contractors, engaged by him, as the case by, obtaining licence under section 12,

he shall be deemed to have employed directly the workman employed by the concerned contractor or contractors, as the case may be.

Amendment of section 20.

4. In section 20 of the principal Act, in sub-section (1), for the words and figures “or section 19”, the words, figures and letters “section 19, section 21A, section 21B or section 21C” shall be substituted.

Insertion of new sections 21A to 21C.

5. After section 21 of the principal Act, the following sections shall be inserted, namely:—

Hours of work and weekly rest.

“21A. (1) No workman shall be required to work more than nine hours a day or forty eight hours a week, as the case may be.

(2) No workman shall be required to work more than six days in a week.

Overtime allowance.

21B. A workman who is required to work beyond nine hours a day or forty eight hours a week, as the case may be, shall be paid overtime allowances at double the ordinary rates of wages payable to him.

Leave.

21C. Every workman to which this Act applies shall be entitled to,—

(i) annual leave with full pay at the rate of one day for every twenty working days to be accumulated to a maximum of forty five days in a year and such leave shall be credited twice on the 30th June and 31st December each year;

(ii) casual leave with full pay at the rate of ten days a year;

(iii) sick leave at half the average pay for fourteen days in a year to be accumulated to a maximum of forty two days and shall be credited twice on the 30 June and 31st December each year; and

(iv) festival holidays for twelve days in a year to be selected in consultation with the workers and in keeping in view the principal festivals in the area concerned.”

Amendment of section 22.

6. In section 22 of the principal Act,—

(i) in sub-section (1), for the words “for a term which may extend to three months, or with fine which may extend to five hundred rupees”, the words “for a term which may extend to six months, or with fine which may extend to ten thousand rupees” shall be substituted; and

(ii) in sub-section (2), for the words “for a term which may extend to three months, or with fine which may extend to five hundred rupees”, the words “for a term which may extend to six months, or with fine which may extend to ten thousand rupees” shall be substituted.

Amendment of section 23.

7. In section 23 of the principal Act, for the words “a term which may extend to three months, or with fine which may extend to one thousand rupees”, the words “a term which may extend to six months, or with fine which may extend to twenty thousand rupees” shall be substituted.

8. In section 24 of the principal Act, for the words "a term which may extend to three months, or with fine which may extend to one thousand rupees", the words "a term which may extend to six months or with fine which may extend to twenty thousand rupees" shall be substituted. Amendment of section 24.

9. In section 27 of the principal Act, for the words "three months", the words "six months" and in the proviso thereof, for the words "six months", the words "one year" shall be substituted. Amendment of section 27.

10. In section 29 of the principal Act, after sub-section (2), the following sub-section shall be added, namely:— Amendment of section 29.

"(3) The principal employer shall cause to submit such registers and records as prescribed in sub-sections (1) and (2) to the appropriate authorities, within a time limit, as may be prescribed.

11. In section 35 of the principal Act, in sub-section (1), for clause (m), the following clause shall be substituted, namely:— Amendment of section 35.

"(m) the form of registers and records to be maintained by principal employers and contractors and their submission to the appropriate authority."

STATEMENT OF OBJECTS AND REASONS

The Contract Labourers are the most exploited lot in the country. They are an unorganised section who work at the mercy of the employers. They do not have any protection from the labour welfare authorities as they are thinly spread over almost the entire working sectors. In the absence of an effective law enforcing agency, the contractors have a field day. The present Act has some glaring lacunae which give contractors scope to exploit them. In order to plug some of those lacunae, it is imperative to amend the Contract Labour (Regulation and Abolition) Act, 1970.

Hence this Bill.

NEW DELHI;
June 30, 1998.

BASUDEB ACHARIA.

BILL NO. 118 OF 1998

A Bill to provide for the establishment of an autonomous Board for all-sided development of economically backward areas of the country.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Backward Areas Development Board Act, 1998.

Short title and
commencement

(2) It shall come into force at once.

2. The Central Government shall, by notification in the Official Gazette, declare such areas of the country which in the opinion of the Central Government are economically backward areas:

Declaration of
economically
backward
areas

Provided that the Central Government shall declare all hill districts in the country as economically backward areas.

Establishment of
Backward Areas
Development
Board.

3. (1) There shall be established by the Central Government, by notification in the Official Gazette, a Board to be called the Backward Areas Development Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and the Board may, with the previous approval of the Central Government, establish Offices at other places in the country.

Composition of
the Board.

4. The Board shall consist of the following members, namely:—

(a) a Chairman who shall be the Vice-Chairman of the Planning Commission, ex-officio;

(b) a Vice-Chairman to be appointed by the Central Government;

(c) six Members of Parliament of whom four shall be from Lok Sabha and two from Rajya Sabha, to be elected by the Members of the respective Houses, who belong to the backward areas, from amongst themselves;

(d) nine members to be appointed by the Central Government to represent respectively:—

(i) the Planning Commission (other than the Chairman of the Board);

(ii) the Ministry of the Central Government dealing with Agriculture;

(iii) the Ministry of the Central Government dealing with Industrial Development;

(iv) the Ministry of the Central Government dealing with Finance;

(v) the Ministry of the Central Government dealing with Railways;

(vi) the Ministry of the Central Government dealing with Communications;

(vii) the Ministry of the Central Government dealing with Education;

(viii) the Ministry of the Central Government dealing with Health and Family Welfare; and

(ix) the Ministry of the Central Government dealing with Irrigation;

(e) not more than five members to be appointed by the Central Government, by rotation in the alphabetical order, to represent the Governments of the States having the backward areas; and

(f) four members to be appointed by the Central Government, who in the opinion of that Government, are experts in various fields of economic development.

Board to
promote
development of
backward
areas.

5. (1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the all-sided development, under the control of the Central Government, of the backward areas of the country:

Provided that the Board shall prepare special schemes for the all round development of hill districts in the country keeping in view its geographical complexity.

(2) The Scheme, referred to in the proviso to sub-section (1), shall take into consideration the social, educational, economic and other needs of the people of the hill districts.

(3) Without prejudice to the generality of the provisions of sub-section (1), the Board shall take measures for development, particularly of railways, roads, posts and telegraphs and other means of communication, agriculture and irrigation, industries, banking, drinking water and water power, forests, live-stock, health and family welfare, education, vocational training and tourism.

6. The Central Government shall provide from time to time, after due appropriation made by Parliament by law, adequate funds for—

Provision of funds by Central Government.

(a) development works undertaken by the Board; and

(b) administrative expenses of the Board.

7. The Board shall have a fund to be called the Development Fund to which shall be credited all receipts from the Central Government for the purposes of development and all payments by the Board towards development expenditure shall be made therefrom.

Development Fund.

8. The Board shall have a fund to be called the Administration Fund to which shall be credited all receipts from the Central Government for the purposes of administration of the Board and all administrative expenses shall be met therefrom.

Administration Fund.

9. The Vice-Chairman of the Board shall be entitled to such salary and allowances as may be prescribed by the Central Government.

Salary and allowances of Vice-Chairman.

10. The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties under the Chairman and the Vice-Chairman as may be prescribed and as may be delegated to him by the Chairman and the Vice-Chairman.

Secretary to the Board.

11. The Board may appoint such officers and employees as may be necessary for the efficient performance of the functions of the Board.

Officers and employees of the Board.

12. The Board shall submit every year a report, in such form as may be prescribed, of its development activities to the President.

Annual report to President.

13. The President shall cause the report to be laid before both Houses of Parliament as soon as may be after each such report received by him.

Reports to be laid before Parliament.

14. (1) The Central Government shall make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The need for levelling down economic disparities among different regions of the country was accepted as soon as the nation launched upon planned economic development. Accelerated development of backward areas, with a view to reduce regional disparities, was one of the important national objectives. But, even after 50 years of independence, the economic disparities among regions have not only persisted but increased. Required attention has not been paid to develop the backward areas. The hill districts in various parts of the country require particular attention and special treatment in view of their geographical location and problem of lack of employment opportunities, poverty and illiteracy.

For the development of the backward areas of the country and to bring them up in a short time to the level of the rest of the country, the strategy should be to evolve a fully integrated development programme for identified backward areas to ensure all round progress. For drought prone areas which have a predominance of small and marginal farmers, area based programmes which envisage a flow of all necessary inputs in the form of a package to enable accelerated economic development should be implemented. In addition, a programme of giving incentives to enable accelerated industrialisation of identified backward areas should also be implemented. It should be ensured that infrastructural facilities like power, water supply and transport are steadily developed and made available to areas which are at present lagging behind industrially or where there is a greater need for providing opportunities for employment. In order to achieve these objectives, an autonomous body, though under the overall control of the Government, should be established which would be responsible for planning and implementation of area based package programmes in co-ordination with the Planning Commission and the State Governments.

Hence this Bill.

NEW DELHI;
July 7, 1998

BACHI SINGH RAWAT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Backward Areas Development Board. Clause 9 provides for payment of salary to Vice-Chairman. Clauses 10 and 11 provide for appointment of a Secretary to the Board and other necessary staff for performance of the functions of the Board. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees fifteen lakhs from the Consolidated Fund of India on account of administrative expenses every year. So far as the development expenditure (Clause 5) is concerned, that will form part of the annual expenditure on development plans of the country as a whole, and the development funds shall be made available to the Board after due appropriation by Parliament. An estimate of such expenditure is not possible at this stage.

A non-recurring expenditure of about rupees twenty-five lakhs is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will provide for matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 113 OF 1998

A Bill to amend the Urban Land (Ceiling and Regulation) Act, 1976.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Urban Land (Ceiling and Regulation) Amendment Act, 1998.

Short title.

33 of 1976.

2. In section 10 of the Urban Land (Ceiling and Regulation) Act, 1976:—

Amendment of section 10.

(i) in sub-section (1) the following proviso shall be added at the end, namely:—

1 of 1894.

“Provided that no notification shall be issued under this sub-section in respect of such land, which stands acquired under the provisions of the Land Acquisition Act, 1894 or any other law for the time being in force, relating to land acquisition, and all proceedings under this Act in respect of such land shall stand abated”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in any other law for the time being in force, the provisions of sub-section (1) shall apply and shall be deemed to have applied from the date of coming into force of this Act.”.

STATEMENT OF OBJECTS AND REASONS

The Urban Land (Ceiling and Regulation) Act, 1976 was enacted during emergency in the year 1976. Even after the expiry of more than two decades since its enactment, no fruitful results could be achieved. Contrarily, it has proved to be counter-productive, as its enactment is one of the prime causes for the price spiral in the urban land due to substantial reduction in availability of the urban land for housing and construction activities.

Though the said Act, needs to be scrapped, yet for the time being, by this Bill, an amendment to the Act is proposed to obviate certain unnecessary proceedings.

The proposed proviso, sought to be inserted, is intended to make the legislative intent explicit that the proceedings under the Act shall 'Abate' in respect of the land that stands acquired under the provisions of the land Acquisition Act, 1894 or any other law relating to land acquisition for the time being in force.

It is a settled law that the same land cannot simultaneously be the subject matter of acquisition under two different enactments namely, the urban Land Ceiling Act and the Land Acquisition Act, 1894. If the land first vests under the Land Acquisition Act, 1894, the proceedings of the Ceiling Act cannot continue as the subject matter of the ceiling proceedings is no longer available by reason of the land in question becoming the State-owned which cannot therefore be re-acquired. Similarly, if a land, which is a subject of land acquisition proceedings, first vests in the State consequent to the publication of the notification under the Ceiling Act, the proceedings in respect thereto under the Land Acquisition Act, 1894 cannot continue and would *ipso facto*, terminate.

The Bill thus embodies settled proposition of law and is intended to terminate unnecessary and infructuous proceedings for acquisition of the same land under the Urban Land (Ceiling and Regulation) Act, 1976, after its acquisition under the Land Acquisition Act, 1894.

Hence this Bill.

NEW DELHI;
May 8, 1998.

BHAGWAN SHANKAR RAWAT

BILL NO. 112 OF 1998

A Bill to provide for the compulsory use of Hindi language and one of the other Indian languages specified in the Eighth Schedule to the Constitution in all commercial advertisements and on packages of consumer goods and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Use of Indian Languages in Commercial Advertisements and on Packages of Consumer Goods Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment

Compulsory
use of Hindi
and one other
Indian
language in
advertisements, etc

2. Notwithstanding anything contained in any other law for the time being in force,—

(i) all commercial advertisements, whether handwritten, printed or broadcast through radio or television network or through any other form of communication to which general public has access, for the purpose of promotion of business, commerce, trade, service, industry or any other related field;

(ii) all matters including the details of product, brand name or content therein and related matter printed or handwritten or otherwise on every packed article of food, drink, drug, cosmetic, or any other item which is meant for human consumption,

shall be in Hindi language in Devanagari script and in one of the other Indian languages specified in the Eighth Schedule to the Constitution:

Provided that if foreign language is used in any advertisement, brand name or otherwise, the matter in that language shall be inscribed below the matter in both the Indian languages.

Punishment.

3. Whoever violates or abets to violate the provisions of section 2 shall be punishable with imprisonment which shall not be less than six months but which may extend to one year or with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees, or with both.

STATEMENT OF OBJECTS AND REASONS

Even after fifty years of independence, Indian languages have not found a place, they deserve. It is irony of fate that although our Constitution recognises eighteen languages, most of the commercial work is done in a foreign language, *i.e.*, in English. We have become so obsessed with the thought that we cannot work properly without the use of English language. Every commercial company tends to show its greatness in getting its labels, advertisements, etc. printed in English language.

The Bill is being brought forward with the sole objective of increasing propagation and promotion of Indian languages in place of English language and thereby promoting nationalism and self-pride by removing the illusion and mental slavery of English language.

NEW DELHI;
July 13, 1998.

LAXMINARAYAN PANDEY

BILL No. 126 OF 1998

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 1998.

(2) It shall come into force at once.

Amendment of
the Schedule.

2. In the Constitution (Scheduled Castes) Order, 1950:—

“Paragraph 3 shall be omitted.”.

STATEMENT OF OBJECTS AND REASONS

As Indian Society is caste-ridden, conversion of members of Scheduled Castes from Hindu fold to Christianity or any other religion do not remove social stigma attached to the caste. Denial of privileges to Dalit Christians violates articles 15 and 25 of the Constitution. Denying rights and privileges on the basis of religion is also against the spirit of secularism. Since certain concessions were available to people professing Christianity during British rule in India, the then British Government not wanting to grant two fold concessions to one group of people prohibited dalit Christians from getting the privileges available to their brethren in Hindu fold. But that condition no more exists. Since India is a secular state, the genuine demand of the dalit Christians should be accepted and the benefits of reservation should be extended to them without further delay.

NEW DELHI;
July 17, 1998.

VAIKO

FINANCIAL MEMORANDUM

Clause 2 of the Bill, seeks to delete the paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 with a view to extend the benefits, at present enjoyed by Scheduled Castes belonging to Hindu, Sikh and Buddhist religion, to all Scheduled Castes professing other religions. As a result, many more persons will also be entitled to the benefits and facilities provided by the Government.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees fifty crore is likely to be involved. A non-recurring expenditure of about rupees twenty five crore is also likely to be involved.

BILL NO. 100 OF 1998

A Bill to provide for the establishment of a permanent Bench of the High Court at Allahabad at Meerut.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the High Court at Allahabad (Establishment of a permanent Bench at Meerut) Act, 1998.

Short Title.

2. There shall be established a permanent Bench of the High Court at Allahabad at Meerut and such Judges of the High Court at Allahabad, being not less than five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Meerut in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Mathura, Agra, Aligarh, Firozabad, Haridwar, Muzaffarnagar, Meerut, Ghaziabad, Bulandshahr, Bijnore and Moradabad.

Establishment of a permanent Bench of High Court at Allahabad at Meerut.

STATEMENT OF OBJECTS AND REASONS

There has been a persistent demand for setting up of a permanent Bench of the High Court at Allahabad in western Uttar Pradesh, for the last many years. More than 1,00,000 cases have been pending in Allahabad High Court for quite a long time.

Meerut city is a prominent central place in western Uttar Pradesh where modern communication and transport facilities are available. At present, the people belonging to the districts of western Uttar Pradesh have to travel a long distance to Allahabad in connection with their cases. It is a time consuming and costly affair. In the interest of cheap and speedy justice and convenience of the litigant public, it is necessary to establish a permanent Bench of the High Court at Allahabad at Meerut.

The Jaswant Singh Commission, appointed to go into issues regarding establishment of Benches of various High Courts, had recommended that a Bench of the High Court at Allahabad be established in western Uttar Pradesh.

The Bill seeks to achieve the above objective.

NEW DELHI;

VIRENDRA VERMA.

July 20, 1998.

BILL NO. 92 OF 1998

A Bill to provide for the formation of the State of Vidarbha by reorganisation of the existing State of Maharashtra and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. This Act may be called the State of Vidarbha Act, 1998.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appointed day" means the 26th day of January, 1999;

(b) "article" means an article of the Constitution;

(c) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as are assigned to them in the Representation of the People Act, 1950;

(d) "existing State of Maharashtra" means the State of Maharashtra as existing immediately before the appointed day;

(e) "law" includes any enactment, ordinance, regulation, order, by-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Maharashtra;

(f) "notified order" means an order published in the Official Gazette;

(g) "sitting members", in relation to either House of Parliament or of the Legislature of the existing State of Maharashtra, means a person who, immediately before the appointed day, is a member of that House;

(h) "transferred territory" means the territories which on and from the appointed day, are the territories of the State of Vidarbha;

(i) "treasury" includes a sub-treasury; and

(j) any reference to a district, taluka, village or other territorial division of the existing State of Maharashtra shall be construed as a reference to the area comprised within that territorial division, as recognised for land revenue purposes, on the 1st day of April, 1998.

PART II

REORGANISATION OF THE STATE OF MAHARASHTRA

Formation of
the State of
Vidarbha.

3. On and from the appointed day, there shall be formed a new State to be known as the State of Vidarbha comprising the following territories of the existing State of Maharashtra, namely :

"Nagpur, Amaravati, Yavatmal, Akola, Buldhana, Wardha, Chandrapur, Gadchiroli, and Bhandara districts."

State of
Maharashtra
and territorial
divisions
thereof.

4. On and from the appointed day, the State of Maharashtra shall comprise the territories of the existing State of Maharashtra other than those mentioned in section 3.

Amendment of
the First
Schedule.

5. On and from the appointed day, in the First Schedule to the Constitution, under the heading

"I. THE STATES",—

(i) in entry 8, under the heading "Territories", the following shall be added at the end, namely:—

"and the territories referred to in section 3 of the State of Vidarbha Act, 1998"; and

(ii) after entry 25, the following entry shall be added, namely:—

"26—Vidarbha The territories specified in section 3 of the State of Vidarbha Act, 1998."

Saving powers
of Government.

6. Nothing in the foregoing provisions of this Part shall be deemed to affect the power of the Government of Maharashtra or Vidarbha to alter, on and from the appointed day, the name, extent or boundaries of any district, taluka or village in that State.

PART III

REPRESENTATION IN THE LEGISLATURES

THE COUNCIL OF STATES

Amendment of
the Fourth
Schedule to the
Constitution.

7. On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,—

(a) in entry 10, for the figure "19", the figure "13" shall be substituted;

(b) after entry 15, the following entry shall be inserted, namely:—

"16. Vidarbha...6"; and

(c) entries 16 to 27 shall be renumbered as entries 17 to 28, respectively.

8.(1) On and from the appointed day, such of the thirteen sitting members of the Council of States representing the existing State of Maharashtra, as the Chairman of the Council of States may, by order specify, shall be deemed to have been duly elected to the Council of States to represent the State of Maharashtra.

Allocation of
sitting
members.

(2) On and from the appointed day, the remaining six sitting members of the Council of States representing the existing State of Maharashtra shall be deemed to have been duly elected to the Council of States to represent the State of Vidarbha.

9. As soon as be after the appointed day, elections shall be held to fill the vacancies, including casual vacancies, if any, in seats allotted in the Council of States to the State of Vidarbha.

Filling up of
vacancies

10. The terms of office of the sitting members and of the members chosen to fill the casual vacancies, if any, in the Council of States to represent the State of Vadarbha shall remain unaltered.

Term of office
of sitting
members.

THE HOUSE OF THE PEOPLE

11. (1) On and from the appointed day, there shall be allotted thirty-six seats to the State of Maharashtra and twelve seats to the State of Vidarbha, in the House of People.

Allocation of
seats in the
House of the
people

(2) In the First Schedule to the Representation of the People Act, 1950,—

(i) entry 25 shall be re-numbered as entry 26;

(ii) after entry 24, the following entry and figure under columns 5 thereof shall be inserted, namely:—

"25. Vidarbha....12"

(iii) in entry 13, as so re-numbered, for the figures "48" and the figure "3" under columns 5 and 6, respectively, the figures "36" and the figure "2" shall be substituted.

12. On and from the appointed day, the Schedule I to the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall stand amended accordingly.

Amendment of
Scheduled I to
Delimitation.

13. Every sitting member of the House of the People representing a constituency which on the appointed day, by virtue of the provisions of section 11, stands allotted, with or without alteration of boundaries, to the State of Maharashtra or to the State of Vidarbha, shall be deemed to have been duly elected to the House of the People by that constituency as so allotted.

Provisions as to
sitting
members.

THE LEGISLATIVE ASSEMBLY

14. (1) Every sitting member of the Legislative Assembly of existing State of Maharashtra representing a constituency which on the appointed day, stands transferred, with or without alteration of boundaries, to the State of Vidarbha shall, on and from that day, cease to be a member of the Legislative Assembly of Maharashtra and shall be deemed to have been elected to fill a seat in the Legislative Assembly of Vidarbha.

Allocation of
sitting
members.

(2) All other sitting members of the Legislative Assembly of the existing State of Maharashtra shall continue to be members of the Legislative Assembly of Maharashtra.

(3) The sitting member of the Legislative Assembly of Maharashtra nominated to that Assembly under article 333 of the Constitution represent the anglo-Indian Community shall continue to represent the community in the Legislative Assembly of Maharashtra.

Duration of
Legislative
Assembly.

15. The period of five years referred to in clause (1) of article 172 of the Constitution shall, in the case of the Legislative Assembly of Maharashtra of Vidarbha, be deemed to have commenced on the date on which the Legislative Assembly of existing State of Maharashtra actually commenced.

Provisions as to
Speaker and
Deputy
Speaker.

16.(1) The persons who immediately before the appointed day are the Speaker and Deputy Speaker of the Legislative Assembly of the existing State of Maharashtra shall continue to be the Speaker and Deputy Speaker, respectively, of the Legislative Assembly of Maharashtra.

(2) As soon as may be after the appointed day, Legislative Assembly of Vidarbha shall choose two members of that Assembly to be respectively the Speaker and the Deputy Speaker thereof and until they are so chosen, the duties of the office of the Speaker shall be performed by such member of that Assembly, as the Governor may appoint.

Rules of
Procedure.

17. The rules of procedure and conduct of business as in force immediately before the appointed day with respect to the Legislative Assembly of the existing State of Maharashtra shall, until rules are made under clause (1) of article 208, have effect in relation to the Legislative Assembly of Vidarbha, subject to such modification and adaptations as may be made therein by the Speaker thereof.

PART IV

HIGH COURT

High Court for
Vidarbha.

18.(1) On and from the appointed day, there shall be a separate High Court for the State of Vidarbha (herein after referred to as the High Court of Vidarbha) and the High Court at Bombay shall continue to be the High Court for the State of Maharashtra.

(2) The principal seat of the High Court of Vidarbha shall be at Nagpur.

(3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Vidarbha may also sit at such other place or places in the State of Vidarbha as the Chief Justice may, with the approval of the Governor of Vidarbha, appoint.

Judges of High
Court of
Vidarbha.

19.(1) Such of the Judges of the High Court at Bombay holding office immediately before the appointed day, as may be determined by the President, shall cease to be Judges, of the High Court at Bombay and become Judges of the High Court of Vidarbha.

(2) The Persons who by virtue of sub-section (1) become Judges of the High Court of Vidarbha shall, except in the case where any such person is appointed to be the Chief Justice of that High Court, rank in that Court according to the seniority of their respective appointments as Judges of the High Court at Bombay.

Jurisdiction of
High Court of
Vidarbha.

20. On and from the appointed day, the High Court of Vidarbha shall have, in respect of any part of the territories included in the State of Vidarbha, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of those parts of the said territories by the High Court at Bombay.

Provisions as to
advocates.

21.(1) The High Court of Vidarbha shall have the power to approve, admit, enrol, remove and suspend advocates and to make rules with respect to advocates as are under the law in force immediately before the appointed day, exercisable by the High Court at Bombay.

(2) The right of audience in the High Court of Vidarbha shall be regulated in accordance with the like principle as, immediately before the appointed day, are in force with respect to the right of audience in the High Court at Bombay:

Provided that subject to any rule made or direction given by the High Court of Vidarbha in the exercise of the powers conferred by this section, any person who immediately before the appointed day is an advocate entitled to practise in the High Court at Bombay shall be entitled to practise as an advocate in the High Court of Vidarbha.

22. Subject to the provision of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court at Bombay shall with necessary modifications, apply in relation to the High Court of Vidarbha and accordingly, the High Court of Vidarbha shall have all such powers to make rules and orders with respect to practice and procedure, as are immediately before the appointed day, exercisable by the High Court at Bombay.

Practice and procedure in High Court of Vidarbha.

23. The law in force immediately before the appointed day with respect to the custody of the seal of the High Court at Bombay shall, with the necessary modifications, apply with respect to the custody of the seal of the High Court of Vidarbha.

Custody of seal of High Court of Vidarbha.

24. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court at Bombay shall with necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Vidarbha.

Forms of Writs and other processes.

25. The law in force immediately before the appointed day relating to the powers of the Chief Justice, single Judges and division courts of the High Court at Bombay and with respect to all matters, ancillary to the exercise of those powers shall, with necessary modifications, apply in relation to the High Court of Vidarbha.

Powers of Judges.

26. (1) Except as hereinafter provided, the High Court at Bombay shall, on and from the appointed day, have no jurisdiction in respect of the transferred territories.

Transfer of proceedings from High Court at Bombay to High Court of Vidarbha.

(2) All such proceedings, pending in the High Court at Bombay immediately before the appointed day as are certified, whether before or after that day, by the Chief Justice of that High Court, having regard to the place of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Vidarbha, as soon as may be, after such certification, be transferred to the High Court of Vidarbha.

(3) Notwithstanding anything contained in sub-sections (1) and (2) or in section 22 but save as hereinafter provided, the High Court at Bombay shall have, and the High Court of Vidarbha shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications, for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court at Bombay before the appointed day:

Provided that if after the appointed day any such proceedings have been entertained by the High Court at Bombay and it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Vidarbha, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court at Bombay,—

(a) before the appointed day in any proceedings transferred to the High Court of Vidarbha by virtue of sub-section (2), or

(b) in any proceedings with respect to which the High Court at Bombay retains jurisdiction by virtue of sub-section (3), shall have effect not only as an order of that Court but also as an order of the High Court of Vidarbha.

27. Any person, who immediately before the appointed day, is an advocate entitled to practise in High Court at Bombay and was authorised to appear or to act in any proceedings transferred from that High Court to the High Court of Vidarbha shall have the right to appear or to act, as the case may be, in the High Court of Vidarbha in relation to those proceedings.

Right to appear or to act in proceedings transferred to High Court of Vidarbha.

28. For the purposes of sections 28 and 29,—

Interpretation.

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the

taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) references to a High Court shall be construed as including references to a judge or division court thereof, and references to an order made by a court or by a judge shall be construed as including references to a sentence, judgement or decree passed or made by that court of Judge.

Savings.

29. Nothing in this part shall affect the application to the High Court of Vidarbha of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by Legislature of the State of Vidarbha or other authority having power to make such provisions.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

Authorisation of Expenditure of the State of Vidarbha.

30. The Governor of the existing State of Maharashtra may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Vidarbha as he deems necessary for a period of not more than six months beginning with the appointed day pending the sanction of such expenditure by the Legislative Assembly of the State of Vidarbha:

Provided that the Governor of Vidarbha, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Vidarbha for any period not extending beyond the said period of six months.

Reports relating to accounts of existing State of Vidarbha.

31. (1) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the existing State of Maharashtra in respect of any period prior to the appointed day shall be submitted to the Governors of each of the State of Maharashtra and Vidarbha who shall cause them to be laid before the Legislative Assemblies of their respective States.

(2) The President may, by order,—

(a) declare any expenditure incurred out of the Consolidated Fund of the existing State of Maharashtra on any service in respect of any period prior to the appointed day during the financial year 1998-99 or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised, and

(b) provide for any action to be taken on any matter arising out of the said reports.

Allowances and privileges of Governor of Vidarbha.

32. The allowances and privileges of the Governor of Vidarbha shall, until provision in that behalf is made by Parliament by law under clause (3) of article 158, be such as the President may, by order, determine.

Distribution of Revenue.

33. The President shall, by order, determine the grants-in-aid of the revenues of the State of Vidarbha and the share of that State in the Union duties of excise, estate duty and taxes on income and for that purpose amend thereby the relevant provisions of the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Union Duties of Excise (Distribution) Act 1979, Estate Duty (Distribution) Act, 1962 and the Constitution (Distribution of Revenue) Order, 1985 in such manner as he thinks fit.

58 of 1957.
24 of 1979.
9 of 1962.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

Application of Part.

34. The provisions of this part shall apply in relation to the apportionment of the assets and liabilities of the State of Maharashtra immediately before the appointed day.

35. (1) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the existing State of Maharashtra shall,

Land and
goods

(a) if within the transferred territory, pass to the State of Vidarbha, and

(b) if outside such transferred, territories, remain the property of the State of Maharashtra:

Provided that where The Central Government is of the opinion that any goods or class of goods should be distributed otherwise than according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the State of Maharashtra or, as the case may be, to the State of Vidarbha, accordingly.

(2) In this section the expression "land" includes immovable property of every kind and any rights in or over such property and the expression "goods" does not include coins, bank notes and currency notes.

36. The total of the cash balances in all treasuries of the existing State of Maharashtra and the credit balances of that State with the Reserve Bank of India, the State Bank of India and any other Bank immediately before the appointed day shall be divided between the States of Maharashtra and Vidarbha according to the ratio of their respective population:

Treasury and
bank balances.

Provided that for the purposes of such division there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the States of Maharashtra and Vidarbha in the books of the Reserve Bank of India on the appointed day:

Provided further that if the State of Vidarbha has, on the appointed day, no account with the Reserve Bank of India the adjustment shall be made in such manner as the Central Government may by order direct.

37. The right to recover arrears of any tax or duty on property, including arrears of land revenue, shall belong to the State in whose territories the place of assessment of that tax or duty is included on the appointed day:

Arrears of
taxes.

Provided that any sum recovered after the appointed day in respect of any arrears of tax accruing during the period between the 1st day of April, 1998 and the 25th day of January, 1999 under the Central Sales Tax, 1956, or under any other Sales Tax Act, applicable to the existing State of Maharashtra, shall after deducting the cost of collection thereof, be divided between the States of Maharashtra and Vidarbha according to the ratio of their respective population.

38. (1) The right to recover any loans or advances made before the appointed day to any local body, society, agriculturist or other person in an area within the State of Maharashtra or Vidarbha shall belong to that State in which that area is included on that day.

Right to
recover loans
and advances.

(2) The right to recover any loans or advances made before the appointed day to any person or institution outside the existing State of Maharashtra shall belong to the State of Maharashtra:

Provided that any sum recovered in respect of any such loan or advance shall be divided between the States of Maharashtra and Vidarbha according to the ratio of their respective population.

PART VII

PROVISIONS AS TO SERVICES

39. (1) In this section the expression "State cadre"—

(a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954, and

Provisions
relating to All-
India Services.

(b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954

(2) In place of the cadres of the Indian Administrative Service and the Indian Police Service for the existing State of Maharashtra immediately before the appointed day there shall on and from that day, be two separate cadres, one for the State of Maharashtra and the other for the State of Vidarbha, in respect of each of these services.

(3) The initial strength and composition of each of the State Cadres shall be such as the Central Government may by order determine before the appointed day.

(4) The members of each of the said services borne on those cadres for the existing State of Maharashtra immediately before the appointed day shall be allocated to the State cadres of the same service for each of the States of Maharashtra and Vidarbha in such manner and with effect from such date or dates as the Central Government may by order specify.

(5) Nothing in this section shall be deemed to affect the operation after the appointed day of the All-India Services Act, 1951, or the rules made thereunder in relation to the State cadres of the said services constituted under sub-section (2) and in relation to the members of those services borne on the said cadres.

Provisions
relating to
other services.

40. (1) Every person who, immediately before the appointed day, is serving in connection with the affairs of the State of Maharashtra shall, on and from that day, provisionally continue to serve in connection with the affairs of the State of Maharashtra unless he is required, by general or special order of the Central Government, to serve provisionally in connection with the affairs of the State of Vidarbha.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the State to which every person, referred to in sub-section (1), shall be finally allotted service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted service under the provisions of sub-section (2) to the State of Maharashtra or Vidarbha shall, if he is not already serving therein, be made available for serving in that State from such date as may be agreed upon between the two State Governments, or, in default of such agreement, as may be determined by the Central Government.

(4) The Central Government may, by order, establish one or more Advisory Committees for the purpose of assisting it in regard to—

(a) the division and integration of the services between the States of Maharashtra and Vidarbha; and

(b) ensuring fair and equitable treatment to all persons affected by the provisions of the section and the proper consideration of any representations made by such persons.

(5) The foregoing provisions of this section shall not apply in relation to any person to whom the provisions of section 41 apply.

(6) Nothing in this section shall be deemed to affect, on and from the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of the Union or of the State of Maharashtra or Vidarbha:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person provisionally or finally allotted to the State of Maharashtra or Vidarbha under this section shall not be varied to his disadvantage except with the previous approval of the Central Government.

41. Every person who immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of the existing State of Maharashtra in any area which on that day falls within the State of Maharashtra or Vidarbha shall continue to hold the same post or office in that State and shall be deemed, on and from that day to have been duly appointed to the post or office by the Government of, or other appropriate authority in that State:

Provisions as to continuance of officers in same post

Provided that nothing in this section shall be deemed to prevent a competent authority on and after the appointed day from passing in relation to such person any order affecting his continuance in such post or office.

42. The Central Government may give such directions to the State Governments of Maharashtra and Vidarbha as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this part and the State Government shall comply with such directions.

Power of Central Government to give directions

PART VIII

LEGAL AND MISCELLANEOUS PROVISIONS

43. On and from the appointed day, in article 371 of the Constitution, in Clause (2),—

Amendment of article 371

(a) for the words "the State of Maharashtra or Gujarat"; the words "the State of Maharashtra, Vidarbha or Gujarat" shall be substituted; and

(b) in sub-clause (a), for the words "the rest of Maharashtra", the words "the rest of Maharashtra or Vidarbha" shall be substituted.

44. The provisions of Part II shall not be deemed to have affected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Maharashtra shall, until otherwise provided by a competent Legislature or other competent authority, be construed as meaning the territories within that State immediately before the appointed day.

Territorial extent of laws

45. For the purpose of facilitating the application in relation to the State of Maharashtra or Vidarbha of any law made before the appointed day, the appropriate Government may, before the expiration of one year from that day by order, make such adaptations and modifications of law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Power to adapt laws

Explanation.—In this section, the expression "appropriate Government" means as respects any law relating to a matter enumerated in the Union List, the Central Government and as respects any other law, the State Government.

46. Notwithstanding that no provision or insufficient provisions has been made under section 45 for the adaptation of a law made before the appointed day, and court, tribunal or authority, required or empowered to enforce such law, may, for the purpose of facilitating its application in relation to the State of Maharashtra or Vidarbha, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Power to construe laws.

47. The Government of the State of Vidarbha, as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who, on and from the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

Power to name authorities etc for existing statutory functions

48. Where, immediately before the appointed day, the existing State of Maharashtra is a party to any legal proceedings with respect to any property, rights or liabilities subject

Legal proceedings

to apportionment between the State of Maharashtra and Vidarbha under this Act, the State of Maharashtra or Vidarbha which succeeds to, or acquires a share in, that property or those rights or liabilities subject to apportionment between the States of Maharashtra and Vidarbha under this Act, the State of Maharashtra or Vidarbha which succeeds, to or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the existing State of Maharashtra or added as a party to those proceedings, and the proceedings may continue accordingly.

Transfer of
pending
proceedings

49. (1) Every proceeding pending immediately before the appointed day before a court (other than a High Court), tribunal, authority or officer in any area which on that day falls within the State of Maharashtra shall, if it is a proceeding relating exclusively to the transferred territory, stand transferred to the corresponding court, tribunal, authority or officer in the State of Vidarbha.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court at Bombay and the decision of the High Court shall be final.

(3) In this section,—

(a) "proceeding" includes any suit, case or appeal; and

(b) "corresponding courts, tribunal, authority or officer" in the State of Vidarbha, means—

(i) the court, tribunal, authority or officer in which or before whom, the proceeding would have laid if it had been instituted after the appointed day; or

(ii) in case of doubt, such court, tribunal, authority or officer in the State, as may be determined after the appointed day by the Government of that State, or before the appointed day by the Government of the existing State of Maharashtra, to be the corresponding court, tribunal, authority or officer.

Right of
pleaders to
practice in
certain cases.

50. Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practice in any subordinate courts in the existing State of Maharashtra shall for a period of one year from that day, continue to be entitled to practice in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to the State of Vidarbha.

Over-riding
effect

51. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to
remove
difficulties.

52. If any difficulty arises in giving effect to the provision of this Act, the President may by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for removing the difficulties.

Power to make
rules.

53. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in sessions for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and *i.e.*, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule, shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMET OF OBJECTS AND REASONS

Vidarbha Region, which earlier consisted of eight districts and at present consisting of nine districts, was a part of old Madhya Pradesh and its capital was Nagpur. When the State of Maharashtra was formed, the people of these districts agitated for formation of a separate Vidarbha State because the people had apprehensions in their mind that if merged with Maharashtra the area will remain neglected and backward forever.

Because of the agitation, several assurances were given to the people through the Nagpur Pact such as all round development of the region, reservation in technical education and proportionate fund for development. An assurance was also given through the amendment of the Constitution. Through this Constitutional amendment, a promise was given that separate Development Board would be constituted and through this Board tremendous all round development would take place.

After lapse of almost 35 years a Board was constituted but in a diluted form. though the Board is functioning but remains almost ineffective for want of powers and funds.

There is a persistent demand from the people of Vidarbha region that if the development of this backward region has to take place then there is no alternative except formation of a separte State consisting of nine districts to be known as The State of Vidarbha so as to fulfil the hopes and aspirations of people who have been denied their due share within the State of Maharashtra.

The Bill seeks to achieve the above objective.

NEW DELHI;
June 4, 1998

VILAS MUTTEMWAR

**PRESIDENT'S RECOMMENDATION UNDER ARTICLES 3, 117 AND 274 OF THE
CONSTITUTION OF INDIA**

[Copy of Letter No. 16017/3/98-SR, dated 23 July, 1998 from Shri L.K. Advani, Minister of Home Affairs to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the State of Vidarbha Bill, 1998 by Shri Vilas Muttemwar, Member of Parliament, has accorded his recommendation under articles 3, 117(1) and 274(1) for introduction and under article 117(3) of the Constitution for consideration of the Bill in Lok Sabha.

FINANCIAL MEMORADUM

As a State, Vidarbha will be entitled to a share in the income tax and additional excise duty of the Central Government. There will be some revenue receipts from the areas now covered under the new State of Vidarbha. However, there may be gap between the revenue receipt and expenditure. The Central Government will have to provide such quantum of grant-in-aid to the new State as may be necessary by suitably amending the provisions of the Constitution (distribution of revenue) Order, 1985 in exercise of the powers given by Clause 33 of the Bill. Clause 40 of the Bill seeks to empower the Central Government to establish one or more Advisory Committees for the purpose of assisting it in the discharge of its functions in relation to allocation of members of the services and ensuring a fair and equitable treatment to all persons affected. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India on account of salary, travelling allowances, etc. of Members of the Advisory Committee.

No exact estimate can be given at present about the amount likely to be involved. However a recurring expenditure to the tune of about rupees 10 lakh per annum is likely to be involved from the Consolidated Fund of India. A non-recurring expenditure to the tune of rupees 5 lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 33 of the Bill empowers the President to determine by Order the grant-in-aid to the new State and its share of Central Taxes and amend for that purpose the relevant provisions of the additional duties of excise (goods of special importance) Act, 1957, the Union duties of excise in (Distribution) Act, 1979, the Estate Duty (Distribution) Act, 1962 and the Constitution (Distribution of Revenues) Order 1985.

Clause 53 of the Bill empowers the Central Government to make rules to give effect to the provisions of the Bill. The rules, if any, will be confined to give effect to and enforcing the various provisions included in the Bill.

The rules to be made will relate to matters of detail only and as such the delegation of Legislative power is of a normal character.

BILL NO. 108 OF 1998

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1998.

Insertion of
new article
330A.

2. After article 330 of the Constitution, the following article shall be inserted, namely:—

“330A. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in the Council of States.

Reservation of
seats for Sched-
uled Castes and
Scheduled
Tribes in the
Council of
States.

(2) The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the Council of States as the number of seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in that State or Union territory in the House of the People bears to the total number of seats allotted to that State or Union territory in the House of the People.”.

3. After article 332 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 332A.

"332A. (1) Seats shall be reserved in the Legislative Council of every State, where such a Council exists, for the Scheduled Castes and the Scheduled Tribes.

Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Councils of the States.

(2) The number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Legislative Council of that State as the number of seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in the Legislative Assembly of the State bears to the total number of seats in the Legislative Assembly of the State.

(3) Of the total number of members elected from seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;

(b) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any university in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;

(c) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament;

(d) as nearly as may be, one-third shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;

(e) the remainder shall be nominated by the Governor in accordance with the provisions of clause (5).

(4) Notwithstanding anything contained in clause (3), the Central Government may, after consultation with the Governor of the State, prescribe the manner in which the seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in the Legislative Council of the State shall be filled in, if the number of such reserved seats is less than twelve.

(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art, co-operative movement or social service."

4. In article 334 of the Constitution, after clause (a), the following clause shall be inserted, namely:—

Amendment of article 334.

"(aa) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the Council of States and in the Legislative Council of the States;"

STATEMENT OF OBJECTS AND REASONS

Although, the Constitution of India provides for the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States, it is unfortunate that even after forty-eight years of enforcement of the Constitution of India, there is no provision as regards the reservation of seats for them in the Council of States and in the Legislative Council of State, where such a Council exists.

In order to uphold the principle of social justice, it is, therefore, imperative that the seats be reserved for the Scheduled Castes and the Scheduled Tribes in the Council of States and in the Legislative Councils of the States.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 24, 1998.

MOHAN SINGH

BILL NO. 125 OF 1998

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1998.

Short title.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part II, Assam, entries 10 to 14 shall be renumbered as entries 11 to 15 respectively, and before entry 11 as so renumbered, the entry "10. Koch-Rajbongshi" shall be inserted.

Amendment of
the Schedule.

STATEMENT OF OBJECTS AND REASONS

The Koch-Rajbongshi are indigenous kirat tribals of north eastern India known as Koch and Mech who organised themselves under the command of 12 tribal leaders headed by one Haria even before Hiuyen Chang visited India and repulsed the attacks of aliens and founded the Koch dynasty in the early part of the fifteenth century. King Naranarayan with the assistance of his brother Chilarai conquered almost all the feudal rulers and built conglomerate of other tribals. The rulers protected their farmers and their families who were peace-loving, shy, backward and confined to their habitats. Though the Koch-Rajbongshi are indigenous of ancient Kamrupa whose domain spread to Terai Nepal, Eastern Bihar, Southern Tripura and Upper Assam, they continued to remain weak, backward, primitive, isolated tribal and tillers of the soil.

The Koch-Rajbongshi prince surrendered his Part C State Kochbihar in 1950. Though Koch and Rajbongshi tribes of West Bengal and Tripura were scheduled as "Cast", the tribes of Assam and Meghalaya were left unrecognised.

The Koch-Rajbongshis of Assam are agitating since 1967 and making persistent demand for enlistment of their tribe in the Constitution (Scheduled Tribes) Order, 1950. They meet the criteria that fit into any tribal ethnic community of Eastern India.

A section of the Koch—Rajbongshis have given up old customs and practices and got initiated to Sanatan school of Hindu religion, but their culture remains that ancient. The State Legislative Assembly of Assam in 1994 and 1995, has passed unanimously resolutions to recommend to the Government of India that the Koch-Rajbongshis of Assam State be enlisted as a scheduled tribe. The Koches tribes of Meghalaya were enlisted after the Union Government received a unanimous resolution of the Meghalaya State Assembly without any debate.

The Registrar General of India in his report to the State Government has estimated the number of Koch-Rajbongshis to be under sixteen lakhs only in the whole State. On being enlisted as Scheduled Tribes, they can never upset the tribal demographic structure of Assam. It has, therefore, become imperative that the Koch-Rajbongshis of the State of Assam be enlisted in the Constitution (Scheduled Tribes) Order, 1950.

Hence this Bill.

NEW DELHI;
July 27, 1998.

MADHAB RAJBONGSHI

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include the Koch—Rajbongshis of Assam in the Constitution (Scheduled Tribes) Order as a Scheduled Tribe. This shall involve only a nominal recurring and non-recurring expenditure for the benefits to be provided to the eligible persons of this tribe, under various existing schemes, but the expenditure likely to be required will not be large and no extra budgetary provision may be necessary for the Ministry of Social Welfare and Empowerment.

BILL NO. 111 OF 1998

A Bill further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2

2. In the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the principal Act), in section 2, for clause (xviii), the following clause shall be substituted, namely:—

“(xviii) ‘poppy straw’ means all parts (except the seeds, the leaves and the stem) of the opium poppy after juice has been extracted therefrom;”.

3. In section 15 of the principal Act, —

Amendment of
section 15

(i) for the words "which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees", the words "which shall not be less than six months but which may extend to two years and shall also be liable to fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees" shall be substituted;

(ii) in the proviso, for the words "two lakh rupees", the words "twenty-five thousand rupees" shall be substituted; and

(iii) after the existing proviso, the following proviso shall be inserted, namely:—

"Provided further that no person who has been issued a licence for cultivating the opium poppy shall be punished, if, after harvesting it, he possesses either the leaves or the stem of the opium poppy."

4. In section 18 of the principal Act,—

Amendment of
section 18

(i) for the words "which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees", the words "which shall not be less than six months but which may extend to two years and shall also be liable to fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees" shall be substituted; and

(ii) in the proviso, for the words "two lakh rupees" the words "twenty-five thousand rupees" shall be substituted.

5. In section 19 of the principal Act,—

Amendment of
section 19

(i) for the words "which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees", the words "which shall not be less than six months but which may extend to two years and shall also be liable to fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees" shall be substituted; and

(ii) in the proviso, for the words "two lakh rupees", the words "twenty-five thousand rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The cultivators of opium poppy plant, after extraction of the juice, keep poppy straw which includes leaves and stems, until it is sold. The existing definition of "poppy straw" in the Narcotic Drugs and Psychotropic Substances Act, 1985, includes such leaves and stems. This definition needs to be amended so that the cultivators are not harassed by the enforcement authorities.

Punishment prescribed for contravention of the provisions of the Act in relation to poppy straw, opium, opium poppy and for embezzlement of opium by cultivators is excessive. It is, therefore, necessary to reduce the extent of punishment prescribed so as to make it realistic and also to facilitate implementation of the provisions of the Act by the enforcement authorities and the courts.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 28, 1998

LAXMINARAYAN PANDEY

BILL No. 123 OF 1998

A Bill further to amend the Special Protection Group Act, 1988.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Protection Group (Amendment) Act, 1998.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

34 of 1988.

2. In the long title of the Special Protection Group Act, 1988 (hereinafter referred to as the principal Act), the words “and the former Prime Ministers of India and members of their immediate families” shall be omitted.

Amendment of
the long title.

3. In section 2 of the principal Act,—

Amendment of
section 2.

(i) in clause (a), for the words “and the members of his immediate family or a former Prime Minister and the members of his immediate family wherever he or they may be,” the words “wherever he may be” shall be substituted;

(ii) clause (e) shall be omitted.

4. In section 4 of the principal Act, for sub-section (1), the following sub-section shall be substituted:—

Amendment of
section 4.

“4. (1) There shall be an armed force of the Union called the Special Protection Group for providing proximate security to the Prime Minister.”

STATEMENT OF OBJECTS AND REASONS

The Special Protection Group Act was passed in 1988 after the sad assassination of a very dynamic Prime Minister of India. Indian leaders are in the hit list of external conspirators and internal extremist groups. So some special type of protection is needed for the Indian Prime Minister. Our experience shows that this type of security has become a big burden on our exchequer. The country holds a serious view about this type of expensive security to all members of family of Prime Minister and former Prime Ministers. They can be provided some alternate security cover instead of Special Protection Group. Now, Indian politics is in transitional phase. Prime Ministership has become an easy post to acquire. In near future, their number can go beyond a dozen. So it will become a heavy burden on our exchequer.

The proposed Bill seeks to amend the Special Protection Group Act, 1988 with a view to restrict the special security cover to the serving Prime Minister only.

Hence this Bill.

NEW DELHI;
August 2, 1998.

MOHAN SINGH

BILL NO. 114 OF 1998

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1998.

Short title.

2. In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

Amendment of article 84.

“(b) is, in case of a seat in the Council of States, not less than twenty-five years of age and, in the case of a seat in the House of the People, not less than twenty-one years of age; and”.

3. In article 173 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

Amendment of article 173.

“(b) is, in the case of a seat in the Legislative Assembly, not less than twenty-one years of age and, in the case of a seat in the Legislative Council, not less than twenty-five years of age; and”.

STATEMENT OF OBJECTS AND REASONS

Minimum age for voting has been reduced from twenty-one years to eighteen years. The reduction in voting age to eighteen years has enabled million of young men and women to exercise their franchise. There is a general desire among the youth to secure full participation and decisive voice in administering their affairs. If youth are vested with responsibility by involving them also in our political system, it would go a long way in strengthening the democratic institutions in the country. To create a healthy interest among the youth in parliamentary system of democracy, it is necessary to reduce the age limit for contesting elections to either House of Parliament and State Legislatures. The proposed Bill seeks to amend the Constitution with a view to reducing the age limit for contesting election to the House of the People, Council of States and State Legislatures.

Hence this Bill.

NEW DELHI;
August 3, 1998.

CHANDRASHEKHAR SAHU

BILL No.121 OF 1998

A Bill to provide for the establishment of a Council at the Centre and in each State and Union territory for the protection of environment and ecology.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Council for Environment Protection Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “acts harmful to the environment” shall mean and include all acts and things done by individuals, institutes, Government bodies, and others that pollute or are likely to pollute the environment or cause changes in ecology, flora and fauna of a region to an extent that harms mankind or materially changes the existing environment or leads to the extinction of any species of plants or animals; and

(b) “environment” means and includes water, both surface and underground, air, and land including the surface of the earth, subsoil and the forests (the flora and the fauna) and the inter-relationship which exists amongst and between water, air and land, and human beings, other living creatures and plants.

Short title,
extent and
commence-
ment.

Definitions.

Establishment
of Councils for
Environment
Protection.

3. (1) The Central Government shall establish a Central Council for Environmental Protection, (hereinafter referred to as the Central Council) consisting of live members who are experts in the field of environmental protection, ecology preservation, geology, ornithology, zoology and botany.

(2) The Central Council shall have its office at New Delhi.

(3) The Central Government shall establish a State Council for Environment Protection (hereinafter referred to as the State Council), consisting of three members who are experts in the field of environment or in such field as may be determined by the Central Government in every State and Union territory.

(4) The State Councils shall have their offices at the respective capital of each State and Union territory.

(5) The Councils shall function under the control of Union Ministry of Environment and Forests.

Powers and
functions of
Central
Council.

4. The Central Council shall have the following powers and functions—

(a) to study, enquire and conduct research into problems of environmental protection or preservation of ecology involving subjects under the Central Government or involving more than one State or Union territory;

(b) to enquire into any matter relating to environment or ecology which any State Council deems urgent or extensive enough to necessitate deeper enquiry/study;

(c) to study and enquire into problems of pollution of oceans within our territorial waters;

(d) to recommend to the Central Government or concerned State Government the steps to be taken for the environmental/ecological protection;

(e) to aid and advise the State Councils in matters of research, environment studies and connected matters;

(f) to receive Reports of State Councils and to decide upon further course of action; and

(g) to issue orders of injunction *suo moto* or at the request of any State Council, against any person, institute or Government body in respect of acts deemed to be harmful to the environment or ecology and the order issued shall be final unless an order vacating the injunction is obtained within six months from any High Court having jurisdiction over the subject matter or area or a major portion thereof.

Powers and
functions of
State Councils.

5. Every State Council shall have the following powers and functions—

(a) to study, enquire into and do research upon the problems of environment and ecology in the respective State/Union territory;

(b) to study and do research upon causes and effects of natural calamities;

(c) to study and do research into pollution of water, air, land (sand), agriculture, marine and dairy produce or any such matter as is likely to harm human health;

(d) to recommend to the respective Government of the State and Union territory the steps to be taken for environmental protection and preservation of ecology; and

(e) to issue orders to injunction against any person, institute or Government body in respect of acts deemed harmful to the environment or ecology and the order of injunction issued by such State Council shall take effect immediately and shall become final and binding on the expiry or six months from the date of order unless the person, institute or Government body, against whom the order is passed, obtains

an order of a competent Court, not below the rank of District Judge, vacating the injunction within that period:

Provided that the State Council and/or the aggrieved party may file appeal against the order of the District Judge before the High Court.

6. The members of Central and State Councils shall be appointed for a period of five years and on expiry of such period any member thereof may be re-appointed for such further period or periods, not exceeding two years at a time, as the Central Government deems fit.

Tenure of Councils.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any enactment other than this Act.

Overriding effect of the Act.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Urgent steps to protect environment and maintain ecological balance have become essential in view of increasing environmental pollution.

The Bill seeks to provide for the establishment of Councils at the Centre and in every State and Union territory for study, enquiry, research and making recommendations on matters relating to protection of environment and preservation of ecology.

Hence this Bill.

NEW DELHI;
July 30, 1998.

BACHI SINGH RAWAT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Council for Environment Protection at the Centre and in every State and Union territory. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India.

It will involve a minimum annual expenditure of about rupees fifty lakhs by way of salaries, etc. for members of the Councils and other staff.

It will also involve a non-recurring expenditure of rupees ten crore only, from the Consolidated Fund of India for office infrastructure at the Centre and in every State/ Union territory.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 120 OF 1998

A Bill to provide for compulsory registration of marriages in India and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth year of the Republic of India as follows:—

1. (1) This Act may be called the Registration of Marriages Act, 1998.
- (2) It shall come into force at once.
2. Every marriage performed after the commencement of this Act under any law for the time being in force in India or under any custom or usage having the force of law shall be compulsorily registered.
3. The marriages shall be registered—
 - (i) in the office of Panchayat in the rural areas;
 - (ii) with the Sub-Registrar or Tehsildar, who may be authorised by the State Government in this behalf, in the urban areas:

Short title and commencement.

Compulsory registration of marriage.

Authority for registration of marriages.

Provided that where there is no Panchayat, the marriages shall be registered with the nearest Sub-Registrar or Tehsildar who may be authorised in this behalf.

Particulars of marriage.

4. (1) The particulars of the marriage to be entered in the marriage register to be maintained by the Panchayat, Sub-Registrar or Tehsildar, as the case may be, and the form and manner in which such particulars shall be entered, shall be prescribed by the respective State Governments.

(2) The State Government shall also prescribe the documents relating to marriage to be furnished at the time of registration for record.

(3) The particulars/documents relating to marriage, to be prescribed by the State Government, required to be furnished for registration, shall include the following, namely:—

- (a) the names and addresses of the bride, bridegroom and their parents;
- (b) the age of the bride and the bridegroom with documentary proof thereof;
- (c) photograph of the married couple;
- (d) invitation card, if printed for the marriage;
- (e) an inventory of gifts received by the bride and the bridegroom from the time of betrothal till the completion of marriage;
- (f) an affidavit stating the share of the bride in her parents' property till the date of her marriage with an assurance to ensure her claim on her share in the property earned after her marriage; and
- (g) a statement of expenses incurred by both the parties for marriage ceremony including betrothal.

Declaration at the time of registration.

5. (1) The bride, the bridegroom and their parents or guardians shall make a declaration at the time of registration of the marriage in the form of an affidavit, to be prescribed by the Central Government, that they have not violated any provision of any existing law relating to marriage, prohibition of dowry and prohibition of polygamy, applicable to them.

(2) A person making a false declaration under sub-section (1) shall be punishable with imprisonment which may extend to two years but which shall not be less than six months.

Duty of parents, etc. for registration and penalty.

6. (1) It shall be the duty of the bride, the bridegroom and their parents or guardians to get the marriage registered within ten days of the date of solemnisation of the marriage.

(2) In case the parents or the guardians of the bride and the bridegroom fail to apply for the registration of the marriage and to furnish the necessary particulars/documents within the prescribed time, they shall be liable to a fine which may extend to five hundred rupees:

Provided that if the application for registration is not made and the necessary particulars/documents are not furnished within thirty days after the date of marriage, they shall be liable to a further fine of one hundred rupees per week after the expiry of the aforesaid thirty days.

Legal status.

7. A marriage which is not registered under this Act shall not be deemed to have been duly solemnised under this Act or any other law for the time being in force.

Gifts to be *Streedhan*.

8. Gifts received by the bride in the marriage shall be treated as "*Streedhan*" for the purposes of succession.

Power to make rules.

9. The Central or the State Government, as the case may be, may frame rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The security and sanctity of marriage is fast diminishing. Number of dowry deaths or suicides due to mental and physical torture inflicted on young wives is increasing at an alarming rate. Women are either abandoned or deceived and lured into marrying illegally, contravening the law relating to prohibition of polygamy.

There is an urgent need to protect women from destitution, polygamy and economic insecurity.

This Bill seeks to achieve these objectives.

NEW DELHI;
July 30, 1998.

BACHI SINGH RAWAT

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central and the State Governments to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, *e.g.*, particulars/documents relating to marriage to be furnished at the time of registration of marriage, the delegation of legislative powers is of a normal character.

BILL NO.122 OF 1998

A Bill to provide for the setting up of a Bank for the purpose of advancing loans to the students for pursuing higher studies.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Education Bank of India Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) 'Bank' means the Education Bank of India established under section 3;

(b) 'prescribed' means prescribed by rules made under this Act; and

(c) 'student' means a person who is pursuing any course of study, including any professional, vocational or research study, in any college or institution or University.

Short title,
extent and
commence-
ment.

Definitions.

Setting up of
Education
Bank of India

3. (1) The Central Government shall set up a Bank to be known as the "Education Bank of India" with its headquarter at New Delhi and regional offices in every State and Union Territory.

(2) The Central Government shall set up a branch of the Bank in every district of the country.

Board of
Directors

4. (1) The Bank shall be managed by a Board of Directors consisting of—

- | | |
|---|--------------------|
| (a) Union Human Resource Development Minister | — Chairman |
| (b) Union Finance Minister | — Member |
| (c) Education Minister of each State | — Members |
| (d) Three prominent educationists to be nominated by the Central Government | — Members |
| (e) Chairman-cum-Managing Director of a nationalised Bank to be nominated by the Central Government | — Member |
| (f) Secretary in the Union Ministry of Human Resource Development | — Member Secretary |

(2) The term of office of the members of the Board of Directors appointed under clauses (d) and (e) of sub-section (1) shall be one year.

Meetings of
Board of
Directors.

5. (1) The Board of Directors of the Bank shall meet at such place and at such time as may be determined by the Chairman to frame out policies of the Bank.

(2) The Board of Directors shall meet atleast once in a year.

Functions of
the Bank.

6. The Bank shall advance loans to the students to meet the cost of their education.

Application for
loan

7. (1) An application for grant of loan shall be made to the concerned branch of the Bank by the student.

(2) An application made under sub-section (1) shall be disposed of within one month from the date of its receipt.

Loans to be
paid to colleges
and institutions
directly by the
Bank.

8. (1) The loan shall be payable to every eligible student till he completes the course for which the loan was applied for.

(2) The amount of loan shall be equal to the total cost of education which shall include course fees, study materials, hostel fees, if any, and any other related expenditure in connection with the education of the student.

(3) The Bank shall make the payment direct to the college or institution where the student whose loan has been sanctioned is pursuing his studies.

Eligibility for
loan.

9. (1) The following shall be eligible for seeking full amount of loan from the Bank:—

- (a) students, whose parents cannot afford the cost of higher education and whose annual income from all sources is less than sixty thousand rupees; and
- (b) meritorious students.

(2) A student, whose parents cannot afford the full cost of his higher education, shall also be eligible to secure a loan from the Bank to the extent of the amount he falls short of.

Terms and
conditions of
sanction and
repayment of
loan.

10. (1) The loan shall be given to every eligible student without any security or guarantee;

Provided that the Bank may demand from the student such details and such documents before sanctioning the loan as may be deemed fit.

(2) The loan shall be recovered with simple interest at the rate of three per cent. per annum.

(3) The terms and conditions of repayment of the loan shall be such as may be prescribed:

Provided that a student shall start repaying the loan two years after he has secured a job in such instalments as may be prescribed.

11. (1) Any student who wishes to take loan from the Bank for research purposes shall apply to the concerned Regional Office of the Bank.

Loan for research purposes.

(2) The Regional Office of the Bank may, after necessary enquiry, sanction the loan.

(3) The terms and conditions of sanction and repayment of such loan shall be such as may be prescribed.

12. The Central Government shall appoint such number of officers and staff as may be required for the efficient functioning of the bank.

Officers and staff.

13. All the branches of the bank shall be under the control and supervision of the concerned Regional Office.

Branches to function under the control of Regional Office.

14. Any aggrieved student may represent to a Regional Office who shall, after considering all aspects of the case, forward their recommendations to the headquarter of the Bank and the decision of the headquarter shall be final.

Representation to Regional Office by aggrieved students.

15. Nothing in the Banking Regulation Act, 1949, shall apply to the Bank established under this Act.

Saving.

16. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Majority of the students in our country are not able to pursue higher education due to poor financial conditions of their parents. Although, students are brilliant and want to pursue higher education, poverty comes in the way of their pursuit.

Professional and technical colleges charge exorbitant fees for admission which the students cannot afford.

With a view to encouraging poor students to continue their education, it is proposed to provide loans on easy terms to them which can be repaid by them after they secure jobs.

Although several banks offer loans for continuing education, such schemes are not attractive and beyond the means of majority of the parents. Therefore, it is proposed to set up a Bank exclusively for the purpose of assisting the students by providing them loans for continuing higher education.

Hence this Bill.

NEW DELHI;
July 30, 1998

BACHI SINGH RAWAT.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of Education Bank of India. Clause 4 (d) provides for nomination of three prominent educationists to the Board of Directors of the Bank by the Central Government. Clause 12 provides for appointment of necessary officers and staff for the Bank.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees fifty crores from the Consolidated Fund of India will be involved.

A non-recurring expenditure to the tune of about rupees ten crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 124 OF 1998

A Bill to prevent bogus advertisements and publicity of goods or services offered and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Bogus advertisements and Publicity Act, 1998.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means the State Government in the case of a State and the Central Government in other cases;

(b) "bogus advertisements or publicity" means any advertisement or publicity, whether hand written, printed or broadcast through radio or television network or through any other form of communication to which general public have access, which misleads or mis-represents facts or makes exaggerating claims about the quality of the product or service offered or with respect to its durability, or price or wear and tear or depreciation value of the product or in such other form with a view to deceive the general public or induce them to purchase or use the products or service offered by any establishment;

(c) "establishment" means any establishment dealing in manufacturing, trading, either wholesale or retail and includes a financial and banking company and also includes any establishment which offers services for a fee;

(d) "goods" means and includes any goods, whether industrial or consumer, or any goods which may be used for human consumption; and

(e) "services" includes services in connection with transport, communication, banking, tourism, housing, information technology, medical, insurance, or such other service which may be used by general public.

Establishment
not to indulge in
bogus adver-
tisements.

3. No establishment shall indulge in any bogus advertisement or publicity.

Complaint.

4. (1) Any person who is aggrieved by a bogus advertisement or publicity may make a complaint against the establishment in the nearest police station.

(2) A police officer, who is authorised by the appropriate Government in this behalf, may take cognisance of such complaint and shall cause to initiate such an inquiry as he may deem necessary.

(3) On being satisfied that the complaint is true and factual in nature, the police officer shall arrest the person in-charge of the affairs of the establishment, by whatever name he is called, which has indulged in bogus advertisement or publicity.

Punishment.

5. If any establishment indulges in bogus advertisement or publicity,—

(i) the licence of the establishment shall be revoked by the appropriate Government; and

(ii) the person in-charge of the establishment shall be punished with rigorous imprisonment for a period of not less than six months but not exceeding one year and with fine not exceeding fifty thousand rupees or with both, as the case may be.

Steps to prevent
bogus adver-
tisement.

6. The appropriate Government shall take such steps as may be deemed necessary for the prevention of bogus advertisement or publicity.

Act to be in ad-
dition to and not
in derogation of
any other law.

7. The provisions of this Act, or the rules made thereunder shall be in addition to, and not in derogation of any other law for the time being in force or any rule, order or any instructions issued thereunder, enacted for the prohibition and regulation of bogus advertisements or publicity.

Power to make
rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Many unscrupulous establishments give bogus advertisements and publicity about their products or services offered by them. In most of the cases, it has been observed that the quality of product or nature of services offered by the establishments are different from the one which they advertise or give publicity to. In many a cases, advertisements are found misleading, mis-representing the facts or exaggerated about the quality, prices or durability of the product or nature of service offered. If this trend is not checked, innocent consumer will continue to be cheated and suffer monetary loss. It is high time that steps are taken to prevent such bogus advertisements and publicity.

Hence this Bill.

NEW DELHI;

MOHAN SINGH.

August 4, 1998.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 137 OF 1998

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1998.

Short title.

2 of 1974.

2. In section 167 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code),—

Amendment of section 167.

(i) in sub-section (2), in the proviso, in paragraph (a),—

(a) in clause (i), for the words "ninety days", the words "forty-five days" shall be substituted;

(b) in clause (ii) for the words "sixty days", the words "thirty days" shall be substituted;

(ii) in sub-section (5), for the words "six months", the words "three months" shall be substituted.

- Amendment of section 202. 3. In section 202 of the code, in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:—
"Provided further that no proceedings regarding issue of process shall be postponed beyond a period of two months."
- Amendment of section 230. 4. In section 230 of the Code, the following proviso shall be added at the end, namely:—
"Provided that the date so fixed by the Judge shall not be more than fifteen days for the purpose of examination of witnesses."
- Amendment of section 242. 5. In section 242 of the Code, in sub-section (1), the following proviso shall be inserted at the end, namely:—
"Provided that the date so fixed by the Magistrate shall not be more than fifteen days."
- Amendment of section 256. 6. In section 256 of the Code, in sub-section (1), before the existing proviso, the following proviso shall be inserted, namely:—
"Provided that the hearing shall not be adjourned for more than fifteen days."
- Amendment of section 258. 7. In section 258 of the Code, the following proviso shall be added at the end, namely:—
"Provided that the proceedings at any stage shall not be stopped for a period beyond thirty days."
- Amendment of section 289. 8. In section 289 of the Code, for the words "specified time reasonably sufficient", the words "specified time which shall not be more than thirty days," shall be substituted.
- Amendment of section 309. 9. In section 309 of the Code, in sub-section (2), for the first proviso, the following provisos shall be substituted, namely:—
"Provided that no inquiry or trial shall be postponed or adjourned beyond fifteen days:
Provided further that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days."
- Amendment of section 468. 10. In section 468 of the Code, in sub-section (2):
(i) in clause (a), for the words "six months", the words "three months" shall be substituted;
(ii) in clause (b), for the words "one year, if the offence", the words "six months, if the offence" shall be substituted;
(iii) in clause (c), for the words "three years, if the offence", the words "one year, if the offence" shall be substituted.
- Omission of section 473. 11. Section 473 of the Code shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Millions of cases of various nature are pending in several courts for a long time. Out of them, many cases are pending for quite a long time to the extent that even the persons who have filed the original suit are no more.

Cases are adjourned for petty reasons and in some cases, for a long time. There is a maxim "Justice delayed is justice denied". Since it takes a long time for disposal of a case, the importance of the case is lowered and the victims are deprived of their due right. In many cases, cause of action becomes absent.

The procedure followed in courts is a very lengthy one. Too many formalities are observed even for admitting a suit. An attempt has been made, through this Bill, to reduce the time taken for disposal of cases in order to make justice available to the deprived persons speedily.

NEW DELHI;
October 20, 1998.

JAYANTI PATNAIK

BILL No. 136 OF 1998

A Bill to constitute a National Commission for Children and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the National Commission for Children Act, 1998.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commission" means the National Commission for Children constituted under section 3;

(b) "Member" means a Member of the Commission and includes the Member-Secretary;

(c) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

THE NATIONAL COMMISSION FOR CHILDREN

3. (1) The Central Government shall constitute a body to be known as the National Commission for children to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

Constitution of the National Commission for Children.

(2) The Commission shall consist of—

(a) a Chairperson to be nominated by the Central Government from a panel of eminent persons committed to the cause of children prepared in such manner as may be prescribed;

(b) five Members to be nominated by the Central Government from amongst the persons of ability, integrity and standing who have had professional experience in—

(i) law or legislation (including in legal bodies);

(ii) administration or economic development;

(iii) health, education or social welfare;

(c) one Member-Secretary who shall be—

(i) an expert in the field of management, organisational structure or sociological movement, or

(ii) an officer who is a member of a civil service of the Union or of an all-India service or holds a civil post under the Union with appropriate experience.

4. (1) The Chairperson and every Member shall hold office for such period not exceeding three years, as may be specified by the Central Government in this behalf.

Term of office and conditions of service of Chairperson and Members

(2) Notwithstanding anything contained in sub-section (1), the Central Government may terminate the term of office of the Chairperson or a Member at any time before the expiry of the term specified under sub-section (1) by giving to the Chairperson or the Member, notice of not less than three months' in writing or three months, salary and allowances in lieu of such notice; and the Chairperson or the Member may relinquish the office at any time before the expiry of the term specified under sub-section (1) by giving, to the Central Government, notice of not less than three months in writing.

(3) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(4) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

5. (1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

Officers and other employees of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Commission shall be such as may be prescribed.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pension payable to, or in respect of, the officers and other employees of the Commission, shall be defrayed out of the Consolidated Fund of India.

Salaries and allowances to be defrayed out of the Consolidated Fund of India.

Vacancies, etc.,
not to
invalidate
proceedings of
the Commis-
sion.

7. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Committees of
the Commis-
sion.

8. (1) The Commission may appoint such committees as may be necessary for dealing with such special issues as may be taken up by the Commission from time to time.

(2) The Commission shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons, who are not Members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

Procedure to be
regulated by the
Commission.

9. (1) The Commission or a committee thereof shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure and the procedure of the committees thereof.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS OF THE COMMISSION

Functions of the
Commission.

10. The Commission shall perform all or any of the following functions, namely:—

(a) study, investigate and review all matters relating to the safeguards provided for children under the Constitution and other laws and make recommendations as to the steps that should be taken by the Government for the effective implementation of the safeguards so provided so as to improve the conditions of children;

(b) review, from time to time, the existing provisions of the Constitution and other laws affecting children and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;

(c) take up the cases of violation of the provisions of the Constitution and of other laws relating to children with the appropriate authorities;

(d) look into complaints and take *suo moto* notice of matters relating to—

(i) deprivation of Children's rights;

(ii) non-implementation of laws enacted to provide protection to children;
and

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to children and take up the issues arising out of such matters with appropriate authorities;

(e) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against children and identify the constraints so as to recommend strategies for their removal;

(f) review educational policy so as to cater to the needs of technological advancement;

(g) inspect or cause to be inspected a jail, remand home, institution or other place of custody where children are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;

- (h) fund litigation involving issues affecting a large body of children;
- (i) make periodical reports to the Government on any matter pertaining to children and in particular various difficulties under which children toil;
- (j) any other matter which may be referred to it by the Central Government.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

11. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants by the
Central
Government

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

12. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission.

13. The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report.

14. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

Annual report
and audit report
to be laid
before
Parliament

CHAPTER V

MISCELLANEOUS

15. The Chairperson, the Members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson,
Members and
staff of the
Commission to
be public
servants.
Directions by
the Central
Government

16. The Commission shall carry out such directions as may be issued to it from time to time by the Central Government for proper and efficient functioning of the Commission.

Power to make
rules

17. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of preparation of the panel of eminent persons under sub-section (2) of section 3;

(b) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (4) of section 4 and of officers and other employees under sub-section (2) of section 5;

(c) allowances for attending the meetings of the committee by the co-opted persons under sub-section (3) of section 8;

(d) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 12;

(e) the form in and the time at, which the annual report shall be prepared under section 13;

(f) any other matter which is required to be or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Children are the future of the country. They are exploited in many ways. Majority of the children do not go to schools for the simple reason that their parents are not in a position to send them to schools due to poor financial conditions or they are greedy to such an extent that they send their children for employment to supplement the income of the family. As a result, majority of the children remain illiterate. Children are employed as full time domestic servants in many households and they do not get paid for the work they perform. The children toil for long hours for very meagre wages. The conditions at the work place are inhuman and not worth mentioning. The employers do not care for health. Safety and other amenities which are necessarily to be provided to the children under the law. Though the Constitution of India explicitly prohibits the employment of children in hazardous industries, millions of children are employed in many factories which could pose danger to their health.

Children are also sexually exploited. They are sold to rich men in foreign countries. Cases of sexual abuse of children are reported almost everyday.

The education policy of the country is such that it often requires review so as to cater to the needs of modern times and technological advancement in various spheres. The education policy is out-dated and requires thorough change.

Even after 50 years of independence, the children never received their due attention. It would be in the fitness of things, if their problems are addressed by the nation urgently and with a positive approach. Even as we celebrate 50th year of our independence, it would be appropriate if we set up a National Commission for Children to address the problems of the children and to take remedial action.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 20, 1998.

JAYANTI PATNAIK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a National Commission for Children. Clause 6 provides for salaries and allowances to be paid to the Chairman, Members, Officers and other staff of the Commission. Clauses 10(h), 11 and 12(2) provide for expenses to be met by the Commission on various items referred to in those clauses from out of the sums of grants paid to the Commission under clause 11(1).

2. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. At present, it is not possible to give the exact amount which will be incurred out of the Consolidated Fund of India to carry out the provisions of the Bill. However, a recurring expenditure of the amount of rupees one hundred crore per annum is likely to be involved out of the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. Such rules may provide for matters, such as—

(a) the manner of preparation of the panel of eminent persons under sub-section (2) of section 3;

(b) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (4) of section 4 and officers and other employees under sub-section (2) of section 5;

(c) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 12;

(d) the form in, and the time at, which the annual report shall be prepared under section 13;

(e) any other matter which is required to be, or may be, prescribed.

2. The matters in respect of which rules may be made are matters of procedural and administrative detail and it is not practicable to provide for them under the Bill itself. The delegation of the legislative powers is, therefore, of a normal character.

BILL NO. 131 OF 1998.

A Bill to provide for setting up of a bank exclusively for development of women and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Women Development Bank Act, 1998.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the State Government and in other cases, the Central Government;

(b) "bank" means the Women Development Bank established under section 3; and

(c) "prescribed" means prescribed by rules made under the Act.

3. (1) The Central Government shall establish a Women Development Bank with its headquarter at New Delhi.

Establishment of a Women Development Bank.

(2) The bank shall set up regional offices in every State capital and a branch in every city having a population of more than one million and in every district:

Provided that the bank may set up more than one branch in a city or a district in accordance with its population and requirement.

4. (1) The Bank shall be managed by a Board consisting of the following, namely:—

Board to manage Bank.

(a) a Chairman, who shall be an expert in banking service, to be appointed, by the Central Government;

(b) members to represent the following:—

(i) Union Ministry of Women Development;

(ii) Union Ministry of Finance;

(iii) a representative of National Commission of Women established under the National Commission for Women Act, 1990;

(iv) a representative of reputed Women's Associations in the country; and

(v) a representative of legal profession.

(2) The terms of appointment, qualification of Chairman and members of the Board shall be such as may be prescribed.

(3) The salaries and other allowances and conditions of service of the Chairman shall be such as may be prescribed.

(4) The members of the Board shall be entitled to such allowances as may be prescribed for attending the sittings of the Board.

5. The Board shall frame policies and determine business of the bank with a view to achieving alround development of women.

Board to frame policies and determine business of Bank.

6. (1) The Board shall hold sittings as often as possible but in any case not later than three months from the date of its previous sitting.

Sittings of Board.

(2) The sittings of the Board shall be presided over by the Chairman and in his absence, by any member to be elected from members amongst themselves.

7. (1) The authorised capital of the Bank shall be rupees five hundred crore and it may be increased at any time by the Central Government by notification in the Official Gazette.

Capital of Board.

(2) Every State Government shall contribute to the bank in such ratio as may be determined by the Central Government.

8. The dealings and transaction of the bank shall be exclusively with women and with such organisations as are engaged in the Welfare Schemes of Women.

Dealings and transaction of Bank.

9. The bank shall perform the following business, namely:—

Duty of Bank.

(i) accept deposits, either cash or in any banking instrument from women;

(ii) open savings or other accounts in favour of women;

(iii) extend loans to women for pursuing education including higher and technical education;

(iv) extend loans to women for self-employment;

(v) extend loans to women for illness, pregnancy, including termination of pregnancy, marriages, religious ceremonies and for such other similar purposes as may be prescribed; and

(vi) extend loans to women for purchase/construction of houses, purchase of vehicles and consumer durables.

Terms and conditions for granting loan.

10. (1) The bank may impose such terms and conditions, as it may deem necessary, before granting loan to women.

(2) the loan amount shall be determined in accordance with circumstances and merits of every case.

(3) The loan amount shall be repayable over such period as may be determined by the bank.

Application for availing loan.

11. (1) Every woman who wishes to avail of loan facility may make an application to the nearest bank.

(2) The bank, on receipt of an application under sub-section (1), shall take a decision with regard to grant of loan, within a period of one months from the date of receipt of such application, and state reasons in case the loan amount is not granted.

12. (1) The appropriate Government shall forward names of women registered with employment exchanges under their jurisdiction to the concerned regional office.

(2) Any woman who has registered herself with an employment exchange and is not gainfully employed shall have preference in getting loan for self-employment.

Officers and staff.

13. The bank shall appoint necessary officers and staff for efficient functioning of the bank:

Provided that one half of the total number of appointments or posts shall be reserved for women.

Act to have over-riding effect.

14. The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law for the time being in force.

Power to make rules.

15. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Women are the weaker section of the society. Although many measures have been taken to improve their lot, yet nothing concrete has been done. Today, majority of our women folk are illiterate, under nourished and less privileged in a male dominated society. They are exploited in all sorts.

Nevertheless, over the years women have contributed to the nation building activities to a great extent. They are front runners almost in all fields, even in defence services, where they were not considered fit earlier.

To make women more stronger, economically independent, socially secure and involve them in all activities, some sort of encouragement is necessary.

Since the issue concerns fifty percent. Of our population, it becomes the duty of the Government to take initiative. Therefore, it is proposed to set up a bank exclusively for women for their alround development. This step will go a long way in ameliorating the sufferings of women.

NEW DELHI;
October 20, 1998.

JAYANTI PATNAIK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of Women Development Bank. It further provides for setting up of regional offices and branches. Clause 4 provides for establishment of a Board to manage the affairs of the bank. It further provides for salaries and allowances to Chairman and allowances to other members of the Board. Clause 7 provides that the authorised capital of the bank shall be rupees five hundred crore, to be increased from time to time. Clause 13 provides that bank shall appoint necessary officers and staff for efficient functioning of the bank. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees two thousand crore per annum is likely to be involved.

It is also likely to involve a non-recurring expenditure of about rupees one thousand crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 132 OF 1998

A Bill to provide for research and use of alcohol as alternate fuel in the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Alternate Fuel Resources Board Bill, 1998.
- (2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means a State Government, in relation to a State and the Central Government in other relation;

(b) "Board" means the Alternate Fuel Resources Board established under section 3;

(c) "alternate fuel" means alternate sources of fuel apart from petrol and diesel;

(d) "fund" means the Alternate Fuel Research Fund established under section 9; and

(e) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, establish an Alternate Fuel Resources Board (hereinafter to be referred to as the Board) consisting of,—

Establishment
of Alternate
Fuel Resources
Board.

(i) a Chairman, having requisite qualification in Chemical Engineering especially in the field of non-conventional energy sources, to be appointed by the Central Government.

(ii) members who shall represent,—

- (a) the automobile industry;
- (b) the sugar-cane industry;
- (c) a representative of the Ministry of Petroleum and Natural Gas;
- (d) a representative of the Ministry of Environment and Forests;
- (e) a representative each of every appropriate Government; and
- (f) an expert in non-conventional energy sources.

(2) The terms and conditions of appointment, service, salary, allowances and other benefits of the Chairman shall be such as may be prescribed.

(3) The members of the Board shall be entitled to such allowances for attending the sittings of the Board as may be prescribed.

4. The Central Government shall make available necessary officers and other staff to the Board.

Officers and
staff.

5. Every appropriate Government shall inform the Board about the quantity of alcohol produced in the State every year and other alternate sources of fuel developed in that State.

Appropriate
Government to
inform Board
about the
quantity of
alcohol.

6. (1) The Board shall meet as often as possible but a sitting of the Board shall not be held later than three months from the date of its previous sitting.

Sitting of the
Board.

(2) The sittings of the Board shall be presided over by the Chairman and in his absence by a member to be elected from amongst the members themselves.

7. (1) It shall be the duty of Board to —

Duty of the
Board.

(i) promote the use of methanol and ethanol blended with petrol/diesel as an alternate fuel;

(ii) explore the possibility of using methanol as an alternate fuel and conduct research work; and

(iii) explore the possibilities of other alternate sources of fuel.

(2) The Board may use the services of experts in the relevant fields for conducting research work.

8. The Board shall submit an annual report with suitable steps necessary for implementing the recommendations contained therein, to the Central Government.

Board to
submit annual
report.

9. The Central Government shall cause the report to be laid in both the Houses of Parliament along with a statement of action taken thereon and the reasons for not implementing any recommendation contained in the report.

Report to be
laid on both
Houses of
Parliament.

10. The Central Government shall establish a fund to be known as the Alternate Fuel Resources Fund to meet expenditure on salary, allowances, research and for any other work for developing and promoting the use of methanol or ethanol as an alternate fuel or exploring other sources of fuel.

Establishment
of Fund.

Agreement
with foreign
companies.

11. The Board may enter into agreement or contract with any foreign company for research/sale of alternate fuel in the country.

Power to make
rules.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

India has vast natural resources. Some of the resources have not been fully explored and put to use for benefit of common man.

With the liberalisation of economy, many automobile manufacturers have entered into domestic market and sell huge number of automobiles. With the increase in our population, the demand for petrol has increased manifold. Our country is not able to meet the demand with the available quantity. Petrol has to be imported and this leaves a big hole in our foreign exchange reserve.

With the ever growing demand for petrol, many countries have started exploring possibilities of using alternate sources of fuel long back. As a result, many countries have started using fuel obtained from sugar mollases. U.S., Brazil, France, Finland and some European countries are the front runners in this field.

India is one of the largest sugar producers in the world. Mollases is obtained from sugar-cane. If methanol and ethanol which are obtained from extracts of sugar-cane, are blended with petrol in appropriate proportion, automobiles can be run without making any modification in the engine system. To that extent, consumption of petrol will be reduced. Moreover, methanol can be used as fuel even without blending with petrol.

Another major advantage of using methanol/ethanol as alternate fuel is that it is environment friendly and helps in reducing environmental pollution to a considerable extent.

In our country also, use of methanol/ethanol was tried successfully in western region for some time.

It is really surprising that with all the advantages, why our country is not willing to come forward to accept this as an alternate fuel.

The Bill seeks to promote the use of methanol/ethanol as an alternate fuel and explore other sources of fuel.

NEW DELHI;
October 10, 1998.

ANNASAHIB M.K. PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of an Alternate Fuel Resources Board. It further provides for salaries and allowances to Chairman and allowances to the members for attending the sittings of the Board. Clause 4 provides for appointment of necessary officers and staff for the Board. Clause 7 provides for conducting extensive research to explore possibilities of other sources of alternate fuel and for engaging the services of experts in relevant fields by the Board. Clause 9 provides for the setting up of an Alternate Fuel Resources Board Fund. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India.

It is likely to involve a recurring expenditure of about rupees one hundred crore.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to frame rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 129 OF 1998

A Bill to provide for the constitution of special courts to deal exclusively with atrocities committed against women and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows :—

Short title and
commencement.

1. (1) This Act may be called the Special Courts for Women Act, 1998.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in relation to States, the State Governments and in relation to Union territories, the Central Government;

(b) “special court” means a court to deal exclusively with matters relating to atrocities or offences committed against women and for matters incidental thereto;

(c) “prescribed” means prescribed by rules made under this Act.

3. (1) The appropriate Government shall set up sufficient number of special courts to deal exclusively with matters arising out of atrocities or offences committed against women.

Establishment of Special Courts for Women.

(2) Each special court shall consist of a Chief Judge and such number of other Judges as the appropriate Government may deem fit.

(3) Every special court shall be presided over by the Chief Judge.

4. (1) A person shall not be qualified for appointment as the Chief Judge unless he—

Qualifications for appointment as Chief Judge and other Judges.

(a) is, or has been, a District Judge; or

(b) has, for at least two years, held the office of the Judge of the special court; and has, for at least five years, been associated with women's cause;

(2) A person shall not be qualified for appointment as a Judge unless he,—

(a) is, or has been, a Judicial Magistrate; or

(b) has, for a period of not less than five years, been practising law; and has, for at least five years, been associated with women's cause.

(3) Every Chief Judge of a special court in a Union territory shall be appointed by the President.

(4) Every Chief Judge of a special court in a State shall be appointed by the Governor of the State concerned.

(5) Every other Judge of a special court shall be appointed by the appropriate Government.

(6) One-third of the total number of posts of Chief Judges and other Judges in a State shall be reserved for women.

5. (1) In the event of the occurrence of any vacancy in the office of the Chief Judge of a special court by reason of his death, resignation or otherwise, the senior most Judge of that court shall act as the Chief Judge until the date on which a new Chief Judge, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

Senior most Judge to act as Chief Judge or to discharge his functions in certain circumstances.

(2) When the Chief Judge is unable to discharge his functions owing to absence, illness or any other cause, the senior most Judge of that special court shall discharge the functions of the Chief Judge until the date on which Chief Judge resumes his duties.

6. Every Chief Judge and other Judges shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains,—

Term of office.

(a) in the case of the Chief Judge, the age of 65 years, and

(b) in the case of any other Judge, the age of 60 years,

whichever is earlier.

7. Every Chief Judge or a Judge may, by notice in writing under his hand addressed to the President in case he is a Chief Judge or a Judge of a special court in a Union territory or to the Governor, in case he is a Chief Judge or a Judge of a special court in a State resign from his office:

Resignation and removal.

Provided that the Chief Judge or any other Judge shall, unless he is permitted by the President or the Governor, as the case may be, to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

Salary and allowances and other terms and conditions of service of Chief Judge and other Judges.

8. The salaries and allowances payable to, and other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chief Judge or a Judge of a special court shall be such as may be prescribed by the Central Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chief Judge or a Judge of a special court shall be varied to his disadvantage after his appointment.

Financial and administrative powers of the Chief Judge.

9. Every Chief Judge shall exercise such financial and administrative powers over the special court as may be vested in him in such manner as may be prescribed.

Staff of the Special court.

10. The appropriate Government shall determine the nature and categories of the officers and other employees required to assist a special court in the discharge of its functions.

Jurisdiction, powers and authority of Special courts.

11. Save as otherwise expressly provided in this Act, every special court shall exercise all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except High Courts and the Supreme Court) in relation to all matters of offences or atrocities committed against women under the Indian Penal Code or any other law for the time being in force.

Powers of Special courts.

12. Every special court constituted under this Act shall have powers of any other court for the purpose of holding any inquiry as are vested in a civil court under the Code of Civil Procedure, 1908 and in a criminal court under the Code of Criminal Procedure, 1973.

5 of 1908.
2 of 1974.

Exclusion of jurisdiction of courts except the concerned High Court and the Supreme Court.

13. On the date of coming into force of this Act, the jurisdiction, powers and authority in relation to any offences or crimes or atrocities committed against women, shall be exercisable by a special court and no other court (except High Courts and the Supreme Court) shall have, or be entitled to exercise any jurisdiction, powers or authority in relation to such offences or crimes or atrocities committed against women.

Transfer of pending cases.

14. Every suit or other proceeding pending before any other court or any authority immediately before the date of coming into force of this Act being a suit or proceeding the cause of action wherein it is based is such that it would have been if it had arisen after such constitution, within the jurisdiction of a special such court, shall stand transferred on that date to such special court:

Provided that nothing contained in this section shall apply to a suit or other proceeding pending in a High Court or the Supreme Court.

Free legal aid to women.

15. The appropriate Government shall make necessary arrangements and provision for free legal aid to women for meeting the cost of litigation in special courts.

Act to have over-riding effect.

16. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to remove difficulties.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order may refer to this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

18. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

A number of atrocities and crimes are committed against women. Out of them only a few cases are reported to police and other authorities. However, very few cases come up before the court and it takes a very long time for settlement of those cases.

Women are the weaker section of the society and a special provision is essential in order to protect their interests. Since it takes a long time for the courts to decide cases, the culprits escape from the clutches of the law due to lapse of time and insufficient evidence.

At present, the offences against women are tried in the normal course along with other cases. In our country a large number of cases are pending in almost in all the courts. Therefore, there should be some arrangement by which the offences against women are tried speedily in order to bring the culprits to the books.

Therefore, the Bill seeks to provide for constitution of special courts to deal exclusively with offences against women.

Hence this Bill.

NEW DELHI;
October 20, 1998.

JAYANTI PATNAIK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every State Government and Union territory administration shall set up sufficient number of special courts to deal exclusively with matters arising out of atrocities committed against women. It further provides that every special court shall consist of a Chief Judge and such number of other judges. Clause 8 provides for salaries and allowances in respect of Chief Judges and other judges. Clause 10 provides for appointment of necessary officers and staff required for special courts. Clause 15 provides for free legal aid to women.

The expenditure in respect of special courts and matters connected therewith in respect of Union territories shall be met out of Consolidated Fund of India and the expenditure in respect of special courts in States will be met out of Consolidated Funds of the respective States.

It is estimated that an annual recurring expenditure to the tune of rupees 50 lakhs will be involved. A non-recurring expenditure of about rupees 1 crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 139 OF 1998

A Bill to provide for settling of farmers' loans taken from banks and other financial institutions and to lay guidelines for regulating loans to farmers by such banks and institutions and for matters connected therewith.

WHEREAS farmers raising loans through financial institutions such as banks, co-operative banks and other agencies are considerably under pressure because of their default in repayment of instalments of loans which makes them ineligible for fresh loans thereby affecting agricultural production and consequent shortages of foodgrains in the country and their black-marketing and profiteering.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title, extent
and commence-
ment.

1. (1) This Act may be called the Farmers (Removal of Indebtedness) Act, 1998.
- (2) It extends to the Union territories only.

(3) It shall be deemed to have come into force on the October 2, 1998.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "farmer" means anyone who owns land for agricultural or horticultural purposes;
- (b) "financial institution" means and includes a bank, a cooperative bank or an institution which is established by the Central Government or fifty one per cent shares of which are held or controlled by the Government and which gives loans to farmers; and
- (c) "prescribed" means prescribed by rules made under this Act.

3. The Central Government shall, by notification in the official Gazette, order all financial institutions in Union territories who are advancing loans to farmers to stop all recovery processes and start final settlement process in each case where a loan has been taken by a farmer and who has not been able to repay it and settle all such cases within six months from the date of such notification in the following manner:-

Settlement of farmers' loans.

(a) the loan amount shall be segregated into, —

(i) the principal amount; and

(ii) interest amount;

- (b) the simple interest shall be calculated on the principal amount from the date of advancing the loan to the date of starting the settlement process;
- (c) the amount which already has been paid by the farmer shall be adjusted first against the principal amount and then against the interest amount calculated in accordance with the procedure laid down in clause (b);
- (d) the remaining unpaid amount shall be divided into ten equal annual instalments free of interest and shall be recoverable every year but no legal proceedings shall be initiated till the farmer defaults in payment for three consecutive years:

Provided that if the farmer has made payment to the extent of fifty per cent of the instalments of unpaid loan, he shall automatically be considered as eligible for fresh loan.

- (e) if there is any flood, drought, famine or any other natural calamity, financial institutions may postpone the recovery of loan for such period or give concession for repayment of loan at such rate as may be prescribed and fifty per cent of the amount of such concessions given by a financial institution during a year shall be reimbursed to that institution by the Central Government;
- (f) the financial institutions shall charge the rate of interest in such a way as not to exceed the rate of interest given by them on the savings deposited with them by the general public; and
- (g) the final settlement shall be made in such a way that the farmer is not required to pay more than forty per cent of the original principal amount by way of interest.

4. The Central Government shall publish the following guidelines to the financial institutions for making fresh loans to the farmers, namely:—

Guidelines for fresh loan to farmers.

- (a) the financial institutions shall charge simple interest which shall not exceed half per cent more than that is paid by them on savings deposited with them by general public and interest shall be calculated only on principal amount and not on previous unpaid interest;

- (b) whenever there is a natural calamity and the existence of such a calamity is confirmed by the Union territory Administration, instalments of loan for that year shall be written off treating it as bad debt and fifty per cent of such bad debt during a year shall be reimbursed to that institution by the Central Government; and
- (c) the amount repaid by farmer from time to time shall be adjusted against his principal loan and not in any case be adjusted against the interest amount and the interest shall be calculated only on the remainder of the unpaid principal amount of the loan.

STATEMENT OF OBJECTS AND REASONS

Farmers are the backbone of our economy. The economy depends mainly on the good harvest reaped by the farmers of the country from time to time. The availability of essential commodities of daily use entirely depends upon the good crops reaped by the farmers. Similarly availability of raw materials for the industries depends upon the agricultural produce. But the farmer who grows food for the entire country and raw materials for the industries, always, remains under heavy debt throughout his life. Most of the farmers have to take loans from the banks and other financial institutions for purchasing seeds, fertilizers, bullocks, tractors, tubewells etc. But despite their best efforts, they are unable to repay the loans in time.

As such the indebtedness of farmers is a chronic and continuing problem. It is therefore, necessary to resolve this problem to make the farmer free from the clutches of the various financial bodies so that he is able to fully concentrate on increasing production of farm products on his land. The Government should take lead in this matter by writing off the loan amounts, particularly of those farmers who have paid back the principal amount. Similarly, in case of natural calamities the loan recovery should either be stopped or be recovered in such a way that the farmer does not face hardships. Similarly, in case of one or two defaults, he should not be denied fresh loan by the financial bodies.

The bill seeks to achieve the above objective.

NEW DELHI;
October 26, 1998.

VAIKO

FINANCIAL MEMORANDUM

Clauses 3 (e) and 4 (f) of the Bill provide for giving concessions to farmers in refunding their loans if there is a famine or other natural calamity in the country and fifty percent of the amount of such concessions during a year shall be reimbursed to the financial institutions by the Central Government. The Bill, therefore, if enacted, is likely to involve an annual recurring expenditure of about ten crore rupees from the consolidated fund of India.

A non-recurring expenditure of about rupees twenty-five lakhs is also likely to be involved.

BILL NO. 138 OF 1998

A Bill further to amend the Indian Telegraph Act, 1885 and the Indian Post Office Act, 1898.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Communication Laws (Amendment) Act, 1998.

Short title.

AMENDMENT TO INDIAN TELEGRAPH ACT, 1885

13 of 1885.

2. In the Indian Telegraph Act, 1885, section 5 shall be omitted.

Omission of
section 5.

AMENDMENT TO INDIAN POST OFFICE ACT, 1898

6 of 1898.

3. In the Indian Post Office Act, 1898, section 26 shall be omitted.

Omission of
section 26.

STATEMENT OF OBJECTS AND REASONS

Section 5 of the Indian Telegraph Act, 1885 and Section 26 of the Indian Post Office Act, 1898 give power to the authorities to intercept messages and postal articles. A report has disclosed widespread interception of letters and telegrams to and from persons listed by a State Government to be kept under surveillance. There were instances of this earlier also. This is being sought to be justified under the above mentioned enactments which were framed by British government which had reasons to suspect danger from the freedom struggle movement. The practice and power from which it emanates is, in the present democratic set up, most reprehensible and archaic. These provisions are relics of a bygone age of arbitrary irresponsible administration having little regard for inviolability of human liberties. After Independence, these provisions which confer power to invade a citizens right to privacy should have been withdrawn at one stroke. Such a practice can become a convenient tool in the hands of unscrupulous authorities to be used more for partisan purposes than for "public safety". The most obnoxious aspect of the whole sordid story is that the powers of mail interception have been in use in some States. It is, therefore, necessary that exercise of such power should be done away with.

Hence this Bill.

NEW DELHI;
26 October, 1998

VAIKO

BILL NO. 134 OF 1998

A Bill further to amend the Protection of Civil Rights Act, 1955.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Protection of Civil Rights (Amendment) Act, 1998.

Short title

2. In section 2 of the Protection of Civil Rights Act, 1955 (hereinafter referred to as the principal Act), clauses (da) and (db) shall be re-numbered as clauses (db) and (dc) respectively, and before clause "(db)" as so re-numbered, the following clause shall be inserted, namely:—

Amendment of
Section 2.

"(aa)"practice of untouchability" in relation to an individual or a company means any action taken by such individual or company whether by committing any act or by words, either spoken or written, or by signs or by visible representation or otherwise, or which seeks to incite or encourage, whether directly or indirectly, a person or class of persons to treat a person or class of persons as untouchable, or which seeks to preach, defend or justify, whether directly or indirectly, "untouchability" by offering historical, philosophical, religious or any other justification for it.

Explanation—In this clause, the term "company" shall have the same meaning as is assigned to it in clause (a) of the Explanation to section 14."

Amendment of
Section 3.

3. In section 3 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words, "shall be punishable with imprisonment which may extend to three years" shall be substituted.

Amendment of
Section 4.

4. In section 4 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees," the words "shall be punishable with imprisonment which may extend to three years" shall be substituted.

Amendment of
Section 5.

5. In section 5 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment which may extend to three years" shall be substituted.

Amendment of
Section 6.

6. In section 6 of the principal Act, for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment which may extend to three years" shall be substituted.

Amendment of
Section 7.

7. In section 7 of the principal Act, in sub-section (1),—

(i) for the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees", the words "shall be punishable with imprisonment which may extend to three years" shall be substituted.

(ii) *Explanation*—II shall be omitted.

Substitution of
new section for
section 11.

8. For section 11 of the principal Act, the following section shall be substituted, namely:—

Enhanced
penalty on
subsequent
conviction.

"11. Whoever having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment, shall, on conviction, be punishable with imprisonment which may extend to five years and also with a fine which may extend to five thousand rupees."

Insertion of new
section 15B.

9. After section 15A of the principal Act, the following section shall be inserted, namely:—

Offence under
the Act not to be
compounded.

"15B. No offence punishable under this Act shall be compounded."

STATEMENT OF OBJECTS AND REASONS

The odious practice of untouchability on the basis of so called Hindu Shashtras has brought into focus a fact that despite the constitutional prohibition, the practice of untouchability has not disappeared from the country. The practice of untouchability has been defended on philosophical and religious grounds by many important people. In rural areas, Scheduled Castes and other weaker sections of the society are not allowed to fetch water from the public wells, though the wells have been constructed by the Government and local bodies. It is also a hard fact that if any person belonging to a Scheduled Caste tries to fetch water from the wells, he is not only socially outcast but also physically and mentally harassed. If this trend is not checked, it will lead to social discord and eventually destroy the social and secular fabric of our democratic system.

With a view to eliminating the practice of untouchability, it is proposed to enhance the punishment for the offences committed under the Protection of Civil Rights Act, 1955. The Bill also seeks to redefine the term "Practice of Untouchability" with a view to eliminate the existing lacuna in this Act.

Hence this Bill.

NEW DELHI;
October 10, 1998

MOHAN SINGH

BILL NO. 117 OF 1998***A Bill further to amend the Constitution of India.***

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1998.

Short title.

2. After Article 51A of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 51B.

"51B. It shall be the duty of every political party and candidate, whether such candidate is set up by any political party or not, to ensure that votes are not sought in the name of any caste or any symbol or mark denoting any caste or by inciting feeling of enmity or hatred between different castes, in any election to the House of the People or Legislative Assembly of a State or Union territory or any local body."

Duty of candidates and political parties during elections.

STATEMENT OF OBJECTS AND REASONS

Of late, a very unfortunate trend has been noticed wherein during elections, some political parties and candidates seek votes in the name of caste or by inciting caste feelings. If it is allowed to continue, it will destroy the entire society and divide it permanently along parochial caste lines. It is, therefore, necessary to check such moves by amending the Constitution.

It is accordingly proposed to make it the fundamental duty of every Political Party and candidate, to ensure that votes are not sought by them in any election in the name of caste or by inciting caste feelings. Although the violation of this duty is not punishable under the existing provisions of the Constitution, the political parties and candidates will be morally bound by such a provision in the Constitution.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 24, 1998.

PRABHUNATH SINGH

S. GOPALAN,
Secretary-General.

